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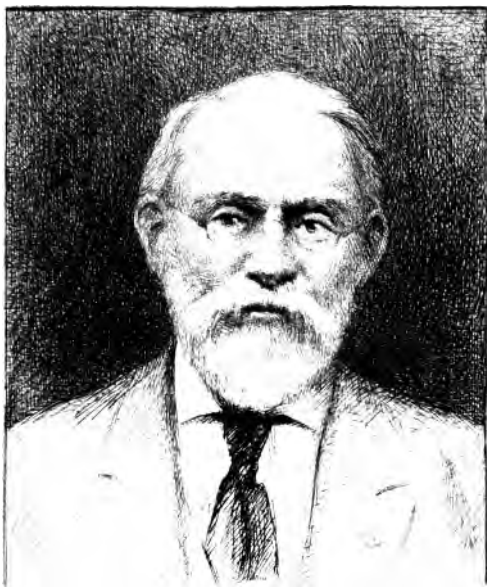
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A N
Historical and Critical
E S S A Y
O N T H E
T R U E R I S E
O F
N O B I L I T Y,
Political and Civil;

F R O M
The First Ages of the World, thro the
Jewish, Grecian, Roman Commonwealths,
&c. down to this Present Time.

To which is annex'd,
The Order of Precedency; with other Curious
Things: Chiefly extracted from a Valuable Ma-
nuscript, writ by an Herald.

W I T H
A Compleat INDEX to the Whole.

Conamur Tenues Grandia. Hor.

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Printed for C. RIVINGTON at the Bible and
Crown in *St. Paul's Church-yard.* M.DCC.XVIII.

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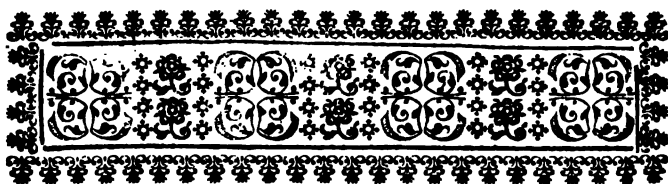
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To my Much-honoured Friend,

THOMAS NORTON,
of *Ixworth* in the County of
Suffolk, Esq;

S I R,



IS not any Presumption on the
Merit of the following Sheets
(the Fruits of some idle Hours)
that draws upon you the trou-
ble of this Address ; but the Right you
have to the Patronage of whatever im-
mediately relates to Polite Literature.

-

A 2

And

iv *The* DEDICATION.

And tho this be a sufficient Reason alone, yet I cannot deny, but I have an Ambition to testify my sincere Respect and cordial Esteem, by some fit and suitable Present, which I can only wish I had made worthy your Acceptance.

They contain Notions peculiarly adapted to the Studies of Men of Quality and Knowledge, and are properly Rules to confine every Man to his Center, and circumscribe him within his own Limits. To whom therefore could I with greater Justice address them than to your self, in whom Antiquity of Descent, Affluence of all worldly Goods, and Personal Accomplishments, are so eminently and remarkably conspicuous ?

Men and Angels are regularly dispos'd by a Supreme and All-governing Power, there being several Hierarchies or Degrees establish'd in Heaven, as well as upon Earth ; for the great Architect
of

Lower
11-13-48
(4333)

The DEDICATION. V

of the Universe hath fram'd all things in an incomparable Order, making Vessels of Honour and Dishonour, placing some in a supereminent Degree, whilst others act in a subordinate Station; all conspiring friendly in an universal Harmony, but distinguishing Order from each other. Besides, read but the spangled Volume of Heaven, and there you will find those vast Celestial Luminaries differ from one another in their glorious and stupendous Magnitude.

Distinction of Rank is highly necessary for the Oeconomy of the World, and was never call'd in question but by Barbarians and Enthusiasts. A just Consideration for the several Degrees of Men, as the Orders of Providence have plac'd them above us, is useful not only to the correcting of our Manners, and keeping our common Conversation in the Bounds of Politeness and Civility,
but

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but has even a better Consequence, in disposing our Minds to a religious Humility; and in observing step by step the several Degrees of Excellency above us, we arrive insensibly at last to the Contemplation of the Supreme Perfection.

It has been said that Inequality of Condition is a Bar to Friendship; why then are not the Links of a Chain continu'd as well perpendicularly as horizontally? But if there cannot be what is call'd Friendship between a Great and a Private Man, there may be something almost equivalent to it, whilst there is Beneficence on one part, and Gratitude on the other. I need not quote the Constitutions of Civil Commonwealths, nor anatomize the Politick Body, in shewing its Analogy with the Natural; as how the Hand, Foot, and other Members in their several Duties perform their Allegiance to the Head.

Much

The DEDICATION. vii

Much more also might be said in behalf of Order and Civil Distinctions; but fearing I have already too much diverted you from what may (probably) seem more agreeable and entertaining; and being conscious of my inability to entertain you as you deserve, I shall not shew so much Vanity as to attempt it; nor give you any farther trouble: submitting what I have taken the boldness to present, to the candid Interpretation and friendly Censure of your worthy self; and rest,

S I R,

Your most Affectionate

Humble Servant.

1. Nobility Celestial, which consisteth in Religion.

2. Nobility Philosophical, which is got by Moral Vertues. And,

3. Nobility Political, whereof this present Treatise is.

Out of the two first sorts of Nobility, no Man can become Noble except he be a good Man also; but out of the third sort a Man, tho he be ever so wicked and graceless, may yet excel the rest of Men, even in the highest degree of Nobility: as *Caligula*, *Nero*, and such others did.

The Matter of Nobility was in antient time accounted of two sorts; *viz.*

1. Theological. And,

2. Moral.

For why? Nobility is in it self honourable and laudable, but without Virtue nothing (according to the Opinion of *Cicero*) can be commendable or praise-worthy. Of which the Seat and Situation of the Temple of Honour among the *Romans* was a notable Example; where-to there was no Entrance or Way, but by the Temple of Virtue. In several of their Coins

also we see Honour and Virtue represented together in one Reverse, and in one Medal; the Face of Honour so shadows that of Virtue, that but a little of it appears, Honour being the more illustrious of the two: and where we behold any Person outwardly adorned with it, we are to judge him inwardly endued with Virtue, inasmuch as Honour is his due, and justly bestowed upon him. But by the preposterous Innovation and Change of things, that Nobility, which properly belonged only to the Good, gave place, and instead thereof, that Nobility, which is equally common to the Bad and to the Good, stepped to the Helm: yea, even the word *Nobilis* (or Noble) it self, which some will have to have been call'd *Noscibilis*, or Remarkable, or for some Virtue notable, began to be indifferently taken into both parts, good and bad; as *Nobile Scortum*, a Noble Harlot, *Nobile Scelus*, a Noble Villain. Neither in question of Political Nobility are we any more to have recourse to the Divines or Philosophers, and much less to the antient *Roman* Constitutions (for the most part) discerning all things by Magistrates Charges and Offices; but only to the Dispositions of the Princes and

Monarchs of the World, who having (by permission of the Almighty) the Power of the Government thereof committed to them in divers Forms, govern Nobility according to their own pleasure and good liking, and so have made the same Hereditary. Hence it is, that a Stranger, made a Nobleman at *Rome* or elsewhere, is not at home accounted in the number of the Nobility, his Prince being thereto unwilling; and so *è contra*. Therefore they who examine Political Nobility by any other Rule than the Custom of every Nation, are utterly out of the way. Yet for all this so great diversity of Manners and Customs of Nations, in all places the same Definition of Civil Nobility is agreeable to all; *viz. Quod sit qualitas sive dignitas, quâ quis legitime à plebeiâ Conditione eximitur, & per Gradus erigitur: i. e.* That it is a Quality or Dignity, whereby a Man is lawfully exempt, and by degrees promoted out of, and above the Estate of the vulgar and common sort of People. Of this Nobility there be two kinds; *viz.*

1. Nobility Native, *i. e.* by Birth. And,
2. Dative, *i. e.* by the Prince's Grace and Favour.

For

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For as for violent Nobility, such as was that of *Nimrod's*, I utterly reject it.

But that these things may be made more manifest, I will by certain of the better sort of Commonwealths, even to these our times, derive the beginning of this Dignity, and the manner of obtaining the same, as it were even from the first Infancy thereof; taking both the Matter and the Examples I therein use, out of most authentick and approv'd Authors, making hardly any Change of the Sentences, much less of the Words, that the well-affected Reader cannot of right lay any thing thereof to my charge.



C H A P. II.

Of the Nobility of the First Age.

I Dare, contrary to the common receiv'd Opinion, affirm Nobility Dative to have been before and more excellent than Nobility Native; Example being taken even from *Adam* himself, whom all Men know to have been made, not born, and verily to have been a Nobleman (if any other) as form'd by God

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to the Image of himself, endow'd with all good Gifts, and made Lord and Sovereign Ruler of all Creatures, yea even of the whole World: But that Celestial Nobility he soon (alas! too too soon) lost by hearkning to his Wife; and that worldly Nobility which he yet retain'd, being to his Children derived, began first in them to be Native, or Nobility by Birth. If any Man therefore consider *Adam's* own Race and Progeny, he must needs confess all the Men of that Age to have been together Noble. But as in Man's Body, for the Preservation of the whole, divers Functions and Offices of Members are required; even so in that first Society of Men (as in all others) a Distinction of Persons was necessary: wherefore the first Commonwealth which was of the Family of *Adam* and of his Children, consisted wholly of Noblemen, *viz.* of the Children of one Father, and he a King, a Prophet, and a Priest; but yet not all of them to be with like Honour reverenc'd. For he, that first Householder, as it were by the Decree of Nature, gave the Preeminence and chief Place to his first-begotten Son, so long as he kept the Right of his Birthright; which Orders other Families afterwards following, constantly

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constantly observ'd : So that he who was first by Nature, should be accounted also first in Honour. Yet nevertheless was it altogether lawful for the Father of the Family to make choice of his own Children, that so, according to every one of their Deserts, he might bestow upon them Honours, or take them from them.

Of the great number of *Adam's* Progeny, and the Discord of the Brethren amongst themselves, at length arose the Division of Families, and so consequently the Uncertainty and Forgetfulness of Kindreds, with deadly Hatreds and Fallings-out besides. By War the Change of Mens Estates and Conditions, and Servitudes were usher'd in; the Vanquish'd, of noble became base and ignoble, and *à contrà*, the Victors of base Persons became noble. Men, for the Preservation of themselves, have out of Families assembled together into Villages, out of Villages into Cities, and out of Cities have grown together into Provinces, and so into most great Kingdoms. In Dangers and Distresses, according to the Rule of Reason, wise Men were call'd upon for their Counsel, valiant Men for their Aid and Defence; to whom,

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as to Men most worthy, the Government was committed ; whereas the rest, without any difference, were compell'd to obey, no regard being had to their Stock or Kindred.

That these things were thus in the *Jewish* State and Commonwealth, is to all Men manifest, which are easily read in the Old Testament. First, That Principality and Prerogative were given to the first-begotten, will easily be understood, if it be diligently consider'd, that when *Adam*, by reason of his great Years, was not able longer to attend to the Government of the Church and of the Commonwealth, *Seth* was made Governour, who then held the Place of the first-begotten; to *Seth*, even for the same Cause, succeeded *Enoch*, to *Enoch* *Conan*, to *Conan* *Mahaleel*, to *Mahaleel* *Jered*, to *Jered* *Canoc*, to *Canoc* *Methusehel*, to *Methusehel* *Lamech*, to *Lamech* *Noah*, who ruled over his Progeny 110 Years after the Deluge, at which time the dispersing of his Posterity happen'd. Which Dispersion being made, every one of them reckon'd himself as Prince of his own Family ; which Preeminence pass'd still to the First-born of that Stock and Family : so that the First-begotten of the principal Family still held the same. Neither

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ther ought any Man to doubt that every one of the Patriarchs ruled as chief Men over their own Tribes and Families, till the Government of the whole People was deliver'd over to *Moses*. But concerning *Moses* himself, you may read¹, that he and *Aaron* gather'd together all the Elders of the Children of *Israel*, which was the first Assembly². The Lord commanded seventy of the Elders of the Children of *Israel* to come unto him, together with *Moses*, which seventy (in the same Chapter, ver. 11.) are as it were by a known Name call'd Nobles, or chief Persons of the Children of *Israel*. Besides, *Moses* being oppress'd with the Multitude of Suits, following the Counsel of *Jethro*, chose out of the People certain Captains of Thousands, who should bear Rule over a thousand Families; others of Hundreds, who commanded over a hundred; others of Fifties, who had the Command over fifty; and others of Tens, who had Rule over ten; and determin'd their lesser Suits and Controversies. Now that there were many Captains of Thousands even in one and the self-same Tribe, appeareth from

¹ Exod. 4. 29.

² Exod. 24. 1.

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Holy Scripture; and these Men *Moses* here and there calleth the Heads of the Fathers, the Heads of the Tribes, Princes and Heads of the Soldiers: and amongst them were 12 chief Princes, especially chosen of the 12 Tribes, who sometimes were alone by themselves elected for some special Commission. But what manner of Men *Moses* made Rulers over the *Israelites*, and what manner of Companions he chose forth, as Assistants to himself in the Government of the Commonwealth, he of himself ' thus plainly witnesseth:

‘ And I spake unto you the same season, saying, I am not able to bear the Burden of you my self alone. For the Lord your God hath multiplied you. And behold you are this day as the Stars of Heaven in number, &c. Bring (from among you) Men of Wisdom and Understanding, and Men known in your Tribes, that I may make them Rulers over you. And you answer’d me and said, that which thou hast said, it is good for us to do. And so out of the Tribes I took the Captains, Men of Wisdom and Experience, and made them Rulers

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‘ over you, Captains over Thousands, and over Hundreds, &c. And Officers amongst your Tribes, &c.’ But we, induc’d both by the weight of the Words, and by Reason, are oblig’d to conjecture, that *Moses*, being a wise Man, in this Election and Choice prefer’d Men for their Wisdom and Experience, famous and well known, as well for the gaining the Favour and Obedience of the People, as for the better Government of the Commonwealth ; not at all regarding such as boasted only of the Prerogative of their Birth : for otherwise, instead of Helpers, he should rather have associated to himself the Perturbers of the publick Peace. Wherefore we are to look upon those seventy Judges, by the Commandment of God appointed by *Moses*, to have been of the Dignity of Senators ; to whom some Men add two more, viz. *Moses* himself, and the High Priest ; as if six had been appointed out of every one of the Tribes.

By what therefore hath been already said, it is evident, that as well Dative as Native Nobility hath been in use amongst the *Israelites*, and sometimes even in one and the same Family pass’d to the First-begotten alone, or to some other, grac’d with some publick Office.

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free in some Family; whilst the rest, born of the same Stock, in the mean time stuck fast within the bounds of those of the vulgar State and Condition. And concerning the Kings of the *Israelites*, it is to be thought also, as of the Kings of other Nations, that they, according to their pleasure, ennobled many, either by Reason or Affection moved and induced so to do. But now from the *Jews* let me pass over to the *Gentiles*.



C H A P. III.

Of the First Greek Nobility.

NOTHING was ever more inconstant than the *Greek Commonwealths*, with perpetual Changes still floating up and down. The beginning of their Monarchy I (as most are wont) will no farther fetch than from *Cecrops* the First, who (it's agreed almost on all hands) was the first who gather'd together the poor Peasants, dispers'd up and down the Fields, and having united them into one

¹ *Potter's Greek Antiquities, p. 6.*

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Body (tho not into one City, for that was not effected till many Ages after) constituted amongst them one Form of Government, and took upon himself the Title of a King: for ' from the time of *Ogyges* to *Cecrops*, being the space of 190 Years, they lived without any King at all. *Cecrops**, as soon as he had established himself in his new-rai'd Kingdom, set himself about laying the Model of a City, which he design'd for the Seat of his Government, and Place of his constant Residence. This ' City was built upon a Rock, and by him, with the circumjacent Territories, call'd after his own Name, *Cecropia*: and afterwards, as the *Athenians* increas'd in Power and Number, and the Country round about fill'd with Buildings, this was the *Acropolis*, or Citadel. Then, for the better Administration of Justice, and the Promotion of mutual Intercourse amongst his Subjects, he divided them into four Tribes, viz. 1. Soldiers; 2. Artificers; 3. Husbandmen; and, 4. Shepherds. He was the Author of many excellent Laws and Constitutions; nor did he only prescribe Rules for the Conduct of their Lives

* Ibid. p. 5.

‡ Ibid. p. 7.

‡ Ibid. p. 8.

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with respect to one another, but was the first who introduc'd a Form of Religion, erected Altars in Honour of the Gods, and instructed his People in what manner they were to worship them.

*Cecrops**, the Second of that Name, and the seventh King of *Athens*, divided his Dominions into twelve Cities, or large Boroughs; compelling his Subjects to leave their separate Habitations, and unite together for the replenishing of them. But *Cecropia* still continued the chief Seat of the Empire, tho each of these Cities had Courts of Judicature, and Magistrates of their own, and were so little subject to their Princes (the Successors of *Cecrops*) that they never had recourse to them but only in case of imminent and publick Danger; yea, so absolutely did they order their own Concerns, that sometimes they waged War against each other, without the Advice or Consent of their Kings, against whom many of them also sometimes took up Arms. They who inhabited the Champain Country, were commanded by some few; the Mountaineers were govern'd by a popular

* *Potter. l. 1.*

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Estate; they who dwelt by the Sea-Coast had a mix'd Government, carrying a Medium betwixt both; and they, who out of the whole Body of the People were call'd to the Government of the Commonwealth, were honour'd for Princes, Senators, and Noblemen. And ' thus from the Reign of *Cecrops* the First to the time of *Theseus*, the Government and State of *Athens* continued with little Alteration. *Theseus* ' being by an Accident advanc'd to the Regal Scepter sooner than could have been expected, found out within a short time the Inconvenience of having his People dispers'd in Villages, and canton'd up and down the Country. To prevent therefore this Evil, he form'd in his mind (saith *Plutarch* ') a vast and wonderful Design, of gathering together all the Inhabitants of *Attica* into one Town, and making them one People, of one City, who were before dispers'd, and very difficult to be assembled upon any Affair, tho relating to the common Benefit of them all. Nay, often such Differences and Quarrels happen'd amongst them, as occasion'd Bloodshed and War; these he by his Persuasions appeas'd,

1 Potter, p. 10.

2 Ibid. p. 10.

3 P. 11.

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and going from People to People, and from Tribe to Tribe, propos'd his Designs of a common Agreement amongst them. Those of a more private and mean Condition readily embrac'd so good Advice: To those of greater Power and Interest he promis'd a Commonwealth, wherein Monarchy being laid aside, the Power should rest in the People; and that reserving to himself only to be continued Commander of their Armies, and the Preserver of their Laws, there should be an equal Distribution of all things else amongst them: and by this means he brought most of them over to his Proposal. The rest fearing his Power, which was grown very formidable, and knowing his Courage and Resolution, chose rather to be persuaded than forced into a Compliance. He then dissolv'd all the distinct Courts of Justice, Council-Halls, and Corporations, and built one *Prytaneum* and Council-Hall, standing to this day. And out of the old and new City he made one, which he named *Athens*; ordaining a common Feast and Sacrifice to be for ever observ'd, which he call'd *Panathenaea*, or the Sacrifice of all the united *Athenians*. He instituted also another Sacrifice for the sake of Strangers,
who

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who would come to fix at *Athens*. Then, as he had promis'd, he laid down his Regal Power, and settled a Commonwealth, having enter'd upon this great Change not without Advice from the Gods^s. Farther yet designing to enlarge his City, he call'd all Men indifferently by Proclamation, in these words, (*Come hither all ye People*) to enjoy an equal part of the Commonwealth.

Yet for all this he suffer'd not his State, by the promiscuous Multitude that flow'd in, to be turn'd into Confusion and Anarchy, and left without any Order and Degrees, but was the first who divided the Commonwealth into three distinct Ranks; viz. 1. Noblemen, 2. Husbandmen, and, 3. Artificers. To the Nobility he committed the Choice of Magistrates, the Teaching and Dispensing of the Laws, and the Interpretation of all Holy and Religious Things; the whole City as to all other matters being as it were reduc'd to an Equality: The Nobles excelling the rest in Dignity, the Husbandmen in Profit, and the Artificers in Number. In this manner *Theseus* settled the *Athenian* Government, which con-

^s Potter, p. 12.

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tinued in the same State till the Death of *Cadmus* the seventeenth and last King. So that by the Government of *Theseus* it appeareth that Nobility was gotten by Riches, Knowledge and Virtue. After the Regal Government was laid aside, the City was govern'd by a double Democracy; one, which consisted in the Power and Government of the richer sort of the Citizens (call'd the *Archontes*) and another which rested in all those in general, who were Freemen. *Solon* (the Discord between the Poor and Rich being appeas'd) after the Slaughter of the *Cyconians*, restor'd to his Country the Democratical or Popular Government; the Olygarchy, or Government of some few being quite taken away. He divided the *Athenians* into four Ranks, according to every Man's Estate: *viz.* 1. Those who could of their dry and wet Commodities fill 500 of their Measures, he plac'd in the first Order or Degree, calling them πεντακόσιο μέδωνοι (*Pentacosio Medimnoi.*) 2. Those who were of Ability to furnish out a Horse, or could fill 300 of their Measures, he plac'd in the second Rank, and call'd them ἑπτάδρα τελέωντες

¹ Potter, p. 14.

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(*Hippada telountes.*) The third Class consisted of those who could fill 200 of their Measures, which were call'd *zeugitai* (*Zeugitæ.*) In the fourth (the last) he plac'd all the rest, calling them *thetes* (*Thetæ.*) * All publick Offices he appointed to be committed to those who were plac'd in the three first Degrees, who having borne Office accordingly, were accounted in the number of the Nobility ; but to the fourth Rank no publick Office or Magistracy was communicated, tho they had a liberty of coming to the publick Assemblies, and voting therein ; and therefore that Rank was altogether base and ignoble. But after *Solon*, first *Aristides*, a Person (as *Plutarch* assures us) of a mean Extræction, and meaner Fortune, being in consideration of his eminent Virtues and signal Services, prefer'd to the Dignity of an Archon, repealed *Solon's* Law, whereby the *thetes*, or lowest Order of People, were made incapable of bearing any Office in the Government. After him *Pericles*, having lessen'd the Power of the *Areopagites*, brought in a confus'd Ochlocracy, whereby the Populace and basest of the Rabble obtain'd as great

* Potter, p. 16.

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a share in the Government, as Persons of the highest Birth and Quality. According to *Xenophon*, (who in his Book concerning the *Athenian* Commonwealth, sets it down for Right and Reason, that they even of the meaner and poorer sort should indifferently be called and admitted to all Preferments in every part of the Commonwealth, inasmuch as they conduc'd more to the enriching of the City than the Nobility) even plain Citizens, having well deserved of the Commonwealth, were therefore amongst the *Athenians* ennobled; and Nobility once by the Father obtain'd, descended also to his Children.

But the *Athenian* Commonwealth was not so lavish and prodigal in the communicating of Nobility, as in antient time the *Roman* was sparing and curious in the bestowing thereof. That we may be furnish'd therefore with greater Variety of Matter of this kind and nature, let us take a View of the *Roman* State and Commonwealth.



C H A P.



C H A P. IV.

Of the first Roman Nobility.

ROMULUS, to draw Strength to the City of *Rome*, but lately before by him built, ordain'd an Asylum or Sanctuary to all poor and base People; who by Flocks resorting thither from all the neighbouring Parts, gave the first Increase to so great a City. This Rabble, or mix'd Multitude of People, (which by *Juvenal*, the Satirical Poet, is in these Verses noted, *viz.*

*Et tamen ut longè repetas, longeq; revolvās
Nomen, ab infami Gentem deducis Asylo :
Majorum primus quisquis fuit ille tuorum,
Aut Pastor fuit, aut illud quod dicere nolo.*

Sat. 8.)

the first divided into three Tribes, each Tribe into ten *Curia*, and each *Curia* into ten *Décúria*, over which were appointed distinct Officers. According to the number of the *Curia*

¹ Echard's *Roman History*, Vol. 1. Edit. 6. cap. 1. p. 8.

² P. 9.

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ria, the Lands were divided into thirty Parts, reserving one Portion for publick Uses, and another for religious Ceremonies. In all matters of Importance, for many years the People voted according to the *Curia*; and what the major part of the *Curia* agreed to, was reckon'd the Resolution of the whole Assembly, each single Man having a Vote: and hence arose the *Comitia Curiata*. He made also another Division of the People, according to their Honour and Dignity, *viz.* into *Patricians* and *Plebeians*; the former, as being elder and more nobly descended, had the care of Religious Rites, bore Offices of Magistracy, administred Justice, and were Assistants to the King in the Government: The latter tilled the Ground, fed the Cattle, followed Trades, and the like, but had not the least share in the Government, for fear of the Inconveniencies of a popular State. The *Patricii* also were call'd Patrons, as having certain of the *Plebeii* recommended to their Protection; (which was done to bind the Principal each to the other, and was an Obligation as effectual as any Consanguinity or Alliance whatsoever:) and the *Plebeii* thus recommended to their Care, were call'd Clients:

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ents: of whom to have a great number, and to treat them civilly, it was the Glory of the Nobility. After this, *Romulus* chose a hundred Men out of the *Patricii* to assist him in the Government. This Number he call'd a Senate, either from their Age or Virtue, or *finendo*, because nothing was transacted without their Permission. But afterwards, the *Sabines* being ingrafted into the Commonwealth, and both Nations united into one, he chose another hundred out of the most noble of the *Sabines*, and added them to the Senate, which now consisted of 200 Persons. *Tarquinius Priscus* (or as some others would rather have it, *Brutus*) added to them another 100, chosen out of the *Plebeii*, which made up the Number of the Senate 300. And as those of *Romulus's* Creation were call'd *Patres Conscripti*, these were call'd *Patres minorum Gentium*, or Senators of the meaner sort of the People. *Valerius Poplicola*, after the Kings were driven out, chose 164 of the Order of Gentlemen, to fill up the Places of so many Senators slain by *Tarquinius Superbus*, who were call'd *Adlecti*, or Men chosen. For after the

¹ Ibid: lib. 1. cap. 1. p. 10. ² P. 14.

³ P. 35. cap. 5. ⁴ Lib. 2. cap. 1. p. 65.

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Dissolution of the Regal State, such as he saw to be wise, aged, and of approved Honesty, he enrolled into the Senate, as into the most grave and reverend Council. The first Foundations of the *Roman* Commonwealth being thus laid, the Citizens of *Rome*, descended of the Stock of Senators (who before had borne the chief and greatest Honours) were by the Dictators, Censors, or Triumvirs, created Senators, and afterwards also of the Order of Gentlemen or Knights (which was *Ordo Equestris*) were call'd into the Senate. So that it is not to be doubted but that those who were of the Orders of the *Patricii* and Senators, were ennobled thereby. But concerning the Order of the Gentlemen or Knights, or the Equestrian Order, some there be who make question, and think that the *Roman* Gentlemen or Knights, held the middle place betwixt the *Patricii* (or those who were descended from Senators) and the *Plebeii* or common People: for *Tacitus* calleth them *Illustres*, or Men of Note. *Martial* also calleth the Order of Gentlemen or Knights, the lesser Order; and the Order of Senators, and of those who were descended of Senators, the greatest Order. But to give a little more
light

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light into this Equestrian Order, take what follows out of *Echard's Roman History*¹: These Equites were first instituted by *Romulus*, and tho they were originally in the Commonwealth, yet had they no particular Authority, Rank or Order, till this Law of *Gracchus*, whereby it was enacted, that those Judgments (speaking a little before of transferring the Power of judging corrupt Officers from the Senators to the Equites or Gentlemen or Knights) should be peculiar to them. So that whereas at first there were only two Orders or Ranks, *viz. Patrician* and *Plebeian* (which through the Incroachments of the People were afterwards distinguish'd only into *Senatorian* and *Plebeian*) so by this Law, and especially by the Procurement of *Cicero*, the Equites afterwards became a distinct Order. And thus now the *Roman* Citizens consisted of three Ranks or Orders; *viz.* 1. The *Senatorian*, which included all the *Patricii*, and such of the *Plebeii* as could rise to be Senators. 2. The *Plebeian*, which still continued the same as formerly. And 3. The *Equestrian*, which before had always been included in the *Plebeian*, and had been distinguish'd by their way of Service.

¹ Vol. I. lib. 2. cap. 12. p. 242, 243.

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Many are of opinion, that Nobility was given among the *Romans*, by bestowing upon them Rings of Gold ; and most certain it is, that such a Gift of Rings, as transfer'd the State and Condition of a Free-born Man to those to whom they were so given, was common amongst them, without which Free Estate no *Roman* was deem'd capable of Nobility : But when the use of Rings of Gold began in *Rome*, it is not manifest. *Pliny* ; writeth, that it had been for a long time the Badge or Cognizance of those, who were about to go Ambassadors to foreign Nations, and that the rest of the Senators were without them : nor was it the Manner and Fashion

^{*} *Pliny C. Secundus, surnamed the Elder, born at Verona, lived in the first Age, temp. Vespasiani & Titi. His Merit gain'd him the Favour of both these Princes, who employ'd him on several Occasions ; but he found time to compose his Natural History, which contains 37 Books. He writ, besides the History of Nero, the Life of Pomponius Secundus, the Wars of Germany, and other things, which are lost. The Irruption of Mount Vesuvius was fatal to him ; for approaching too near to observe it, he was suffocated with the Smoak and Flames. The best Edition of Pliny was publish'd by F. Hardouin at Paris, in 5 Vol. quarto, 1685. This Pliny concerns us. There was another Pliny, C. Cæcilius Secundus, surnam'd the Young, of Como, Nephew to ours, and adopted by him for his Son, as he himself testifieth. He lived temp. Trajani, in 106. and was Quintilian's Disciple. He was rais'd by the Emperor (for his Merit) to the highest Charges ; whilst Consul, he pronounc'd in the Senate the Panegyrick upon Trajan, which is esteem'd his Masterpiece : his Epistles also are very witty and polite, contain'd in 10 Books. The Lives of Illustrious Men are moreover attributed to Pliny.*

for

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for any other to use them, than such as had for that cause publickly receiv'd them. And such Gold Rings they used only abroad, and Iron Rings at home in their Houses.

But afterwards the Custom of wearing Gold Rings began to be used by all the Nobility, as *Titus Livius* (Prince of the *Roman Historians*) writeth in his ninth Book, in these words, *viz.* That the Senate burnt with such Rage and Disdain, because *Cneius Flavius*, a late Freed-man, was made *Ædilis*,

² *Titus Livius, a Latin Historian, Native of Padua. He came to Rome, where by his Merit he soon gain'd great Friends, whereof Augustus was one. By this Prince's Favour he was helped to faithful Memoirs for the Composition of his History; whereof he wrote part at Rome, and the rest at Naples, whither he retired to work; sometimes with less Interruption: and after Augustus's Death he return'd to his Birth-place, where he died in the fourth Year of Tiberius's Reign, the very same day that Ovid died (as Eusebius observ'd.) His History, which began with the Foundation of Rome, ended at the Death of Drusus in Germany. It was not then divided into Decades, but into 140 Books, whereof we have but 45; nor do these follow in order neither: we want the second Decade, and we have but the first, third, fourth, and one half of the fifth, found at Worms by Simon Gryneus; and since that time, the beginning of the 43d Book was found amongst the Manuscripts of the Library of Cambery. Before this History, he wrote some Philosophical Dialogues, which (according to Seneca) he dedicated to Augustus, &c.*

² *Ædiles were at first call'd Ministers and Assistants of the Tribunes, but afterwards ab Ædibus curandis, one part of their Office being to take care of the repairing the publick Buildings, Aquaducts, and common Sewers, especially the Temple of Ceres, where all the Plebiscita, or Ordinances of the Commons, were kept; of which they had an Oversight, &c. Echard's Roman History, vol. 1. lib. 2. cap. 3. p. 87, 86.*

that

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that many of the Nobility thereupon laid aside their Gold Rings, and the Trappings of their Horses; wherein *Pliny* witnesseth many to be deceived, who think those of the Order of Gentlemen to have then done the same. For that (saith he) is also added; but the Trappings were also laid aside, for which the Name of Gentlemen is put too. It is also recorded in the Annals, that Rings were then laid aside by the Nobility, but not by the whole Senate in general. Whereby it is manifest that the Gentlemen then had no right to wear Rings, and that it belong'd to the Nobility only, *i. e.* to the *Patricii* and the Senators, altho they were not themselves *Patricii*, *i. e.* descended of Senators; because the Dignity of a Senator gave beginning to Nobility.

But when judicial Causes were translated from the Senate to the Gentlemen, the use of Rings also pass'd together to them all; which was not then so much the Cognizance of Gentlemen, as it was of Judges, and yet not of all of them, but of those who were of the greatest Dignity and Honour. Rings (saith *Pliny*) divided the other Order from the vulgar People, as soon as they began to be Men of Note and Fame, and afterwards. But Rings verily

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rily plac'd a middle and third Order or Degree of Men, betwixt the common People, and the Senators or Fathers; and that Name which Horfes of Service before gave to Men, the Judges now give to Mony: nor was that long ago done; for *Augustus* the Emperor disposing of the Courts, the major part of the Judges wore Iron Rings, and were not call'd *Equites* (or Gentlemen) but *Judices* (or Judges), the Names of *Equites* (or Gentlemen) resting in the Troops of publick Horfes. But afterwards in the ninth Year of the Reign of *Tiberius*, when the Order of Gentlemen was come into an Union (for so he termeth it) such care was taken for the Credit of wearing of Rings, as that they should be common to all Gentlemen. And at length (saith he) when *Caius Sulpitius Galba*, going about to gain the Credit of a youthful good Name with his Prince (by the Fines of Taverns and Victualling-Houses) had complain'd in the Senate, that even Chapmen and Pedlars were defended from the Penalties of such their Misdemeanors by the wearing of Rings; it was for this cause by the Senate decreed, that it should not be lawful for any Man to wear a Ring, but him, who being free-born both by
his

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Times to be given to any other, but such as had behaved themselves manfully and valiantly in the Wars: Nor was the Right of wearing a Gold Ring ever given to such as were of Bondmen made free, unless they were also declar'd Freemen born; which was in antient time a Privilege not to be granted but by the Prince. And it was always in antient time accounted a greater matter to be a Freeman born, than to be rewarded with the Right of wearing a Gold Ring: for that sheweth us, even from our Birth, to be Freemen born; whereas this Right of wearing of a Gold Ring either indeed blotteth out, or, as much as it can, washeth away the Stains of Servitude; yet so, as that the sight thereof for ever remaineth. But the creating or restoring a Man to Gentility, approacheth nearer to Nature, which brings along with it all the Commodities and Advantages of natural Nobility; and to restore again Men banish'd or cast into Exile, to their former Estate and Place, belong'd only to the Prince: who being so restor'd to their Blood or Birthright, were not only ingrafted into the Number of the Citizens of *Rome*, but also inroll'd among the
Quirites,

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Quirites ; that so they might be Partakers of all the Honours and Offices of the Commonwealth: and therefore *Pliny* calleth it *Jus Quiritum*, i. e. the Right and Privilege of the *Quirites*.

There was also amongst the Antients a certain Right of having Images or Statues, which was by the Senate given to such as had remarkably borne some great Office, or worthily deserv'd some great Honours; which was not so much for the Mark and Sign of Nobility, as of the Stock and Family to which they were given: For they, who obtain'd Statues for their Stock and Family, undoubtedly brought thereunto Nobility also. And what greater or more excellent thing there was, than to have the Right and Power of using Statues and Images (after the manner before related) I know not. *Pliny* thus writeth; *Apud majores Imagines in Atriis erant, quæ spectarentur, expressi vultus singulis disponebantur Armariis, ut essent Imagines, quæ comitarentur gentilia Funera, semperq; defuncto aliquo, totus aderat Familæ ejus qui anquam fu-*

¹ So all the People of Rome were called, upon the Union of the two Nations of the Romans and Sabines.

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erat populus. Stemmata vero lineis discurrebant ad Imagines Pietas; Tablina vera Codicibus implebantur, & Monumentis rerum, & Magistratum gestorum. English'd thus: 'In the time
 ' of our Ancestors, Images and Statues were
 ' in their Courts to be seen, lively Counter-
 ' feits and Protraitures were in all their Stu-
 ' dies and Closets placed, to the end that
 ' there might be still Images to attend and
 ' set forth the Funerals of such as were to be
 ' buried of that Stock and Family. And al-
 ' ways, when any Gentleman of Note and
 ' Mark died, all the whole Race of those who
 ' were then living of that House and Stock
 ' accompany'd the dead Corps: and from
 ' their Arms Lines were drawn along to the
 ' painted Images of those whose Arms they
 ' were. As for their Studies and Closets
 ' they were full of Books and Records, testi-
 ' fying the noble Acts by them worthily per-
 ' form'd, and the honourable Offices by them
 ' in the State and Commonwealth borne and
 ' discharged, whilst they yet lived.' Where-
 by it is declar'd, that Statues and Images were
 rather the Signs of some great Office well
 discharg'd, than of any Nobility. Nor were
 all the Images of all, who were of the Stock
 and

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and Race of those to whom the Right of Images belong'd, wont to be carried at the Funeral Solemnities of their Kinsmen, but only the Images of those who with great Praise and Glory had borne and discharg'd some honourable Office, and who had of the Senate obtain'd that Right and Privilege.

For which reason *Cicero* reckoneth up this Right, of having Images, amongst the Ornaments of Magistracies; such as are *Toga*, the Gown, *Prætecta*, the Senator's Robe, and *Sella Curulis*, the Chair of State; and to have the Preeminence to deliver ones Mind and Opinion first: All which things pass'd not to their Posterity, so that they might use the same in such sort as the Nobility of those who had been Consuls, Prætors, and such like did: which the *Roman* Laws would have to descend unto their Nephews in these Degrees, that as well the Women as the Men, unto the Nephew's Son, should be accounted of the same Dignity that their Ancestors were of. In short, he who had brought the Right of having Images into his Family, is to be thought to have done no more, but that his own Image might be carry'd forth at his own Funeral, and the Funerals of those of

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his own Stock and Kindred, and not that the Images of his Posterity should also in such Funeral Solemnity be carried ; but only the Images of those who had gotten the like Right. And these Images were kept at home in their Houses, and carried forth at the Funerals of those of their House and Stock, for an Example of the noble Acts by them done. But concerning Images and Statues many thus think, that they who had the Images of their Ancestors were accounted and call'd antient Noblemen ; and they, who had but only their own Images, were reputed, and call'd new Noblemen. But such, who had neither Images of their own, nor of their Ancestors, were reckon'd base and ignoble : = And yet they of the common sort of the People, who had obtain'd the Offices (call'd *Cærules*, or of the Ivory Chair of State) had also their Images. Thus much of the Right of Images and Statues: Now will I again return to *Romulus*.

Romulus (as I formerly observ'd) having divided the People into two Degrees or Orders, *viz.* the Order of the Senators, and of the common Persons ; calling the Progeny of the first, *Patricios & Optimates* (or the Progeny

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geny of the Fathers and of the Nobility) and the Progeny of the latter, *Plebeios* (or a Progeny descended from the vulgar and common sort of People) made also a Distinction of their Offices and Vocations, which (to avoid Tautology and vain Repetition) I shall not here set down.

Thus much I may say, and which before I have not remark'd, that *Romulus* would not permit the *Romans* themselves to exercise any base Trade, or laborious and painful Business; and forbad them also all dishonest manner of Gain, as unbecoming such who were Fathers in the Commonwealth: Nor in antient time could any one be chosen a Senator, or one of the *Patricii*, but by an express Law to that end and purpose propounded to the People, which was the greatest Office belonging to a King, a Consul, or a Dictator. But in what things the *Patricii* were distinguish'd from those of the common sort of People, is by many Examples try'd; for the *Patricii*, who excell'd in Nobility, and who were honestly begotten, and well brought up, had a Tablet or Jewel upon their Breasts, and little Moons on their Feet, using Ivory Buckles, crooked horn-wise, like the Moon:

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growing strong, as there was a passing over from the State of a Commoner to the Degree of one of the *Patricii*; so divers of the *Patricii* also went over to the Commonalty, and became one of their number. The Election of the Senators, according to the Alterations and Changes of Times, belong'd sometimes to the Kings, afterwards to the Consuls, and to the Dictators. After the Dissolution of the Kingly Government, we read, that the Consuls chose such of the *Patricii* as were dearest to them, and afterwards some of the Commoners also, to be Tribunes of the Soldiers, with Consulary Power; until it was by the Law provided, that the Censors should Ward by Ward make choice of them in the Senate. Not long after a Substance was requir'd for the creating of a Senator; and if he who was so chosen did afterwards waste and weaken his said Substance, he lost also his Order and Degree.

Hence 'tis manifest, that the *Roman Nobility* was establish'd in the Dignity of the *Patricii*, and of the Senators; which, not to have been deny'd to the Order of the Gentlemen, may be gather'd from what follows, tho others be of other Opinions. *Dionysius*
Hali-

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Halicarnassens (whose Testimony I once before made use of) affirmeth, that three hundred Gentlemen were chosen by *Romulus* out of the most honourable Families, ten out of every Ward. Some of the Gentlemen were such as serv'd upon a publick Horse, altogether in the City; others of them were such as serv'd on a private Horse in the Army abroad. The publick Horse the Censor appointed; publick Horsemen or Gentlemen he created, as well out of those who were descended from the Senators, as out of the Commonalty, who at length, for their Substance, were created also, as were the Senators: but a Gentleman's Substance was 400000 *Sesterces*, which being consum'd and spent, the Reputation and Dignity of a Gentleman therewith also ended. *Isidore* (an Author quoted by *Pliny*) writeth, that altho a Man were by Birth a Senator's Son, yet until he came to lawful Years, he was but a *Roman* Gentleman, and so afterwards came into the Order of the Senators. *Livy* introduceth *Persus* King of *Macedon*, speaking thus; *viz. Equites Romani Principes Juventutis, Equites Seminarium Senatui; inde lectos in patrum numerum Consules, inde Imperatores erant.* ' The Roman Gentlemen (saith
' he)

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with an Esquire of a most antient Family : as *Agathocles* of a Potter made a King. What were *Romulus*, *Tullus Hostilius*, and *Tarquinius Priscus* ?

But now to search out the Signification of the aforefaid words ; the *Romans* divided their People into Freemen and Slaves ; of Freemen, some were of bond Slaves made free (whom they call'd *Libertini*) others were Freemen born (whom they call'd *Ingenui*.) The *Libertini* were Citizens of *Rome*, who were three ways manumiz'd, or made free, viz. by Will or Testament, or in the open Assembly of the People, or before some publick Magistrate, who had power so to do. And hereupon probably in antient time, when this our Kingdom was much oppress'd with servile State and Condition, the word *Francklin*, for a Man made free or enfranchis'd, was in use ; except it be thought rather to have been us'd for a free-born Man.

But they were call'd *Ingenui*, or free-born Men, who neither themselves nor their Ancestors had ever serv'd as Slaves ; and their Ancestors they reckon'd up even from their Grandfather, (as may be read in *Livy*.)

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Freedom of Birth open'd a way to all Degrees of Honours, which (even as Political Nobility) were either Native or Dative, *i. e.* by Birth or Gift. Dative Freedom was by certain Magistrates given, and at length only by Princes themselves; and that two manner of ways: the one secretly, and not so plainly by the Gift of a Ring; the other more expressly by Name, and perfectly, by restoring of Men to their Birth or Blood. And whereas Men of servile Condition were but by one Name call'd and known, free-born Men, and Men of free Estate and Condition, had two or more Names. And the Name which they took from their Stock or Family, is call'd *Gentile*, or proper to those of that Race or Kindred. Nevertheless, it is to be noted, that Names given by chance sometimes become proper to a Stock or Family. As *Tullius* was a Name proper and peculiar to a Family, but *Cicero* was a Name gotten by chance, and feign'd of the Pulse call'd *Cicer*, (or *Chich-pease*) the Form whereof one of that Family had upon the end of his Nose, who thereof was first so surnam'd: but that same Name of *Cicero* began to be *Gentile*, or proper to that Family, as to *Cicero* the Orator, his Brother,

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Brother, and their Posterity. Tully in his *Topicks* defineth *Gentiles* esse qui eodem inter se sunt Nomine, qui ab *Ingenuis* oriundi sunt, quorum majorum nemo servitutem servierit, qui *Capite* non sunt diminuti.

They who were call'd *Gentiles* (or of the same Stock or Family) were of necessity to be descended from *Ingenui*, or free-born Men; for of Slaves, or those whom they call'd *Libertini*, or Men of Slaves made free, there is no Stock or Family. Wherefore the Right of Gentility, or of having of a Stock and Family, altho it was different from Nobility, yet it is not to be doubted, but that it was in great Esteem and Reverence among the *Romans*, and that they desir'd above all things to be call'd *Gentiles*, as Men descended of some good Stock or Kindred; which Desire hath even to this day possess'd all *Italy*.

For amongst the *Venetians* they are call'd *Gentilhuomini*, who derive their Stock from the first Inhabitants of that Island, who are themselves *Patricii*, or descended from the Senators; and that word *Gentilhuomo*, as it were by hand deliver'd from the *Italians* to the *Frenchmen*, from the *Frenchmen* removed to us, and at length, together with the new place

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place of dwelling, hath begun to put a new Signification, differing from that which *Gentilis* or *Gentilitas* was of, amongst the antient Romans.

For that is false which some, and they learned too, have deliver'd, *viz.* That Gentility was proper only to the *Patricii*; since it was common to the vulgar sort of People (as was Ingenuity it self) as appeareth by this one place of *Suetonius*, *viz. Patricia Gens Claudia (fuit etiam & alia Plebeia nec potentia minor nec dignitate) orta est in Regillis.* ' The Claudian
' Stock and Family, of the Order of the *Patricii*
' (for there was another House of them also
' of the Commonalty neither in Power or
' Dignity inferior to the other) had its Rise
' at *Regilli.*' But they seem to have been deceiv'd by that which *Livy* writeth, *viz.* That *Romulus* created an hundred Senators, whom he call'd *Majorum Gentium* (or of the greater Families :) And *Brutus* another hundred also, call'd *Minorum Gentium* (or of the lesser Families.) But this proveth not that we must grant, that only they of the Order of the *Patricii* had a Stock and Family. Neither did this so calling of them *majorum & minorum Gentium*, divide them from the common

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mon People, but themselves amongst themselves only : for whereas they were all chosen of free-born Citizens (who had their Stock and Family) yet such of them as *Romulus* had created, brought the Honour of the Order of the *Patricii* sooner into their Stock and Family, than they did, whom *Brutus* added and fitted to them. They are also call'd *Gentiles*, who in likeness of Name agree amongst themselves (tho there be no Kindred amongst them at all.)

Amongst the *Athenians* they were call'd *Genite*, i. e. *Gentiles*; not they who were join'd amongst themselves in Stock or Blood, but were of those sort of People who divided into Wards, grew into a certain Society and Fellowship amongst themselves; for amongst the *Athenians* there were four Tribes, and every Tribe was divided into three Wards, which made twelve Wards; and every Ward was divided into thirty Parts, which they call'd *Gentes*, or Kindreds. But to set this Matter in a clearer light, take what follows out of the *Grecian* History it self, in these words; *viz.* *Cecrops* the First, after he had

* *Potter's Greek Antiquities, Vol. I. cap. 9. p. 47.*

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settled a Form of Government amongst the *Athenians*, for the better Administration of Justice, and the Prevention of Deceit, and overreaching one another in Commerce, divided them into four φυλαὶ or Tribes; each Tribe he subdivided into three parts, called τριτὺς, ἔθνη, or φρετρία; and each of these into thirty γένη, or Families; which, because they consisted of thirty Men, were call'd ομογάλακτοι, and γενῆται, not from any Relation to one another, but only because they lived in the same Borough, and were educated together, and join'd in the same Body or Society. But to return again to the purpose.

Why a Stock or Family among the *Romans* is to be deriv'd from the Grandfather, nor could consist but in two at the least, viz. Grandfather and Father; some think the reason to be, because the *Latin* word *Gens* signifieth a Multitude, which requireth more than one: and yet *Gens* seemeth to be call'd as it were *Genus* (*i. e.* a Stock or Kindred) the Letter *u* being taken away. However, these two words differ the one of them from the other, inasmuch as *Genus* signifies a Stock and Beginning; but *Gens* importeth (as it

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were) a certain Multitude of Stocks, and of Beginnings of Families and Houses.

Ingenuity, or Freedom of Birth, had the Ornaments thereof from Nature and respected Liberty, which it still deriv'd from the Grandfathers. But Gentility was a Matter of the Civil Law, and refer'd to the Antientness of Agnation, (or Kindred by the Father's side) differing from the other only in Antiquity of Stock; for it is not needful to derive or take Agnation farther than from the Father, which if it be so, then Gentility and Nobility are not all one and the same thing: and they confound Gentility (whereof the common People no less brag and boast than do the Noblemen) with Nobility, who deny him to be a Nobleman by Birth, whose Grandfather was not noble. Neither agree they with themselves, when they dare affirm (but by what Authority I know not) Nobility, together with the Seed of the Parents, to be pass'd over to their Posterity, according to this Poetical Saying;

*Qui viret in foliis, venit a radicibus humor:
Et Patrum in Natos abeunt cum semine Mores.*

And

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And thus out of *Horace* :

Est in Juvencis, est in Equis, patrum
Virtus : neq; imbellem feroces
Progenerant Aquila columbam.

By which Analogies the Learned Poets verily went about to stir up noble and courageous Youths to an Imitation of their Fathers Virtues ; being otherwise not ignorant that Nobility, whereof I treat, is a thing Political and Civil, not Natural. And indeed of irrational Creatures there be divers kinds, but of Men there is but one sort : Hence as an Eagle bringeth not forth a Dove, so neither doth a Man beget a Hare. But admit that good Men are begotten of good Parents, and valiant Men of valiant Fathers ; and if this be to Mankind proper, why are not good and valiant Children begotten of good and valiant common Persons also ? for they are Men as well as the other. But nothing is more deceitful than this Rule ; for through the Corruption of Man's Nature we see it often happens, a prodigal Son to be born of a frugal Father, a Fool of a wise Man, and a Coward of a courageous Man. Nor is this any No-

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velty or new Matter, but such as took Root even in the first Depravity of human Nature. For cursed *Cain* was the first-begotten Son of *Adam*, the best of Fathers; and of him the same Man was good *Abel* begotten. *Jacob* also and *Esau* were the Twins of a most blessed Father : of which two, God loved the one, and hated the other. And if there be any thing of great Operation which is pass'd over together with Man's Seed, it is altogether Vice; so far off is it from being of any Virtue, which is ever with Labour and Study got, but never born. An Emperor for his bodily Substance is no better than another Man, and yet for the height of his Dignity, is most like to God. *Demosthenes* (the famous *Grecian* Orator) saith also, wicked Sons (as it were by a certain fatal Destiny) may be born of good Parents. It is also commonly said in the *Greek* Proverb, *The Misfortunes of the Worthies Sons*. I might produce the Mathematicians and Astrologers Opinions herein, who affirm Nobility and Ignobility much more certainly to depend upon the Force and Influence of the Stars, than the Constitutions of Parents.

And

Ch.4. *Of the first Roman Nobility.* 53

And yet the vulgar sort (and not without cause) are apt to expect some greater thing in Princes Children than in poor Mens; of which their Hope and Expectation there are many Reasons alledg'd; as the great Means Noblemen have for the best bringing up and instructing of their Children, (for it would be a shame to the Son, should he degenerate from his Father's Nobility) in short, the Plenty of Kinsmen and Friends giving them good Counsel. Nor was the Poet's Mind any other, if we mark his Conclusion :

*Doctrina sed vim promœvet insitam;
Reliq; Cultus, pectora roborant.*

By Nature's ingrafted or hidden Power he understands certain Seeds of Virtue, which by the Goodness of God alone, are yet in Man's Nature, which become not otherwise fruitful than the Seeds of Herbs do, according to the Manner and Fashion they are manur'd and order'd with : So that a Man well brought up may much more easily obtain Philosophical Nobility, than a Man well born.

54 *Of the first Roman Nobility.*

And therefore poor Countrymens Children, who know nothing more than their Beasts and Cattel, seem rather rude Sylvans than Men ; whereas others born in better place, even in the same Schools, and same Studies, strive with Noblemens Children (and would to God they did not) both with greater Profit and Commendation.

Other Reasons yet remain, which prove Political Nobility not to be a thing substantial, but merely accidental, since it may be both present and absent without the Interruption of the Subject whereof it depended ; so that the Passage thereof may be obstructed by the Commission of some heinous Offence. It is also lost by voluntary departing from, or relinquishing of the same ; (for *Naturam expellas Furca licet usq; recurrat*) which we read to have been done by many of the *Roman Patricii*, who refusing their *Patrician Dignity*, took upon them the State and Condition of the vulgar sort, or Commoners. Now many through the Lawyers Terms are in this matter deceiv'd, who call the extinguishing of Nobility, for some Offence committed, the Corruption of Blood : which manner of Phrase and Speech they use not, because Na-
tive

Ch.4. *Of the first Roman Nobility.* 55

tive Nobility is naturally and essentially in the Humour of Blood, more than any other Hereditary Faculty; but because the Right of Inheritance, which by the Degrees of the Communication of Blood is directed, is by that means determin'd or ended, and in Hatred of the Crime it is call'd Corruption, with the Infection whereof all their Children are polluted and defil'd. Nor can a stronger Argument be devis'd to prove Nobility not to be mingled with the Blood, than that the Nobility of the Grandfather ennobleth not his Nephew by his Son, condemn'd to lose his Liberty, State, or Country. Of which this Civil Institution, a natural Reason is given, *viz.* that an insufficient Medium obstructeth and hindreth a Conjunction of the Extremes. But yet the same Question was wont to be put to us, which was long ago put to the antient *Romans*, *viz.* whether the Nobility of the Father, being a Senator, profits his Son, born before his Father had obtain'd that Dignity? And whether such Nobility in the Son be Native or Dative? To which I answer, that the Child by our Custom is immediately by his Father's Nobility made noble, and their Children like the

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Boughs of a Tree, removed into a richer Ground, are green, and flourish with the same new Moisture that the Body of the Tree doth; and such Nobility hath deserv'd to be call'd Native, since it extendeth not but to those who are born of such a Father. As for example; a Baron being honour'd with the Title of an Earl, his first-begotten Son forthwith taketh to himself the Title of some Barony, and all his Daughters are saluted Ladies and Madames.

From which therefore we may conclude, that Native Nobility is drawn from the Father, and that we need not seek for it further; for it may so fall out, that sometimes it cannot be derived from the Grandfather, as if some great Offence of the Father interven'd: for a Man born of a noble Father is without all doubt by Descent noble. But if any Man will contend that he is not properly *Eugenes*, or nobly descended, I answer, the common People principally do respect the same, but the Judicial Court hath no care thereof at all; for otherwise, some new Princes would be of less Nobility than some mean Noblemen, if the Privileges of Nobility were bestow'd after the Ballance of proper and true

Eugenia.

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Eugenia. Add also, that if true *Eugenia* be urg'd, it requireth not only our great Grandfathers Grandfathers, but even all the rest of our Ancestors, in a continued Order after them, to be noble, rich, profitable for the Commonwealth, good Men, and without Spot or Imputation: A hard Sentence indeed, but an harder Rule, and a Consequence of all most hard! Such a noble-descended Person, *est rara Avis*, and yet some such there be. But concerning that Matter, hear *Aristotle's* Opinion: *Eugenia*, verily (saith he) I have found but in few, and no where an hundred good *Eugenes*. Wherefore the *Athenians* more usually call'd their Noblemen *εὐπαῖροι*, or *εὐποτρίδαι*, *i. e.* Men born of noble Fathers; which words I know to be often confounded with the word *Eugenes*.

Having frankly affirm'd Nobility to descend from the Father to the Children, what if I should say the same Force is in the Mother's Nobility also? Surely Reason, the Opinion of the Learned, and antient Customs, also will be present for the Defence of this Cause. If Nobility draw any thing natural at all from the Parents, almost the whole
Con-

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not *Virgil*, *Ovid*, and *Statius Papinius*, whose Verses I have thought good here to subjoin.

—*Genus huic Materna superbum
Nobilitas dabat. Incertum de patre ferebat.*

Virg.

*Est quod per Matrem Cylonenem addita nobis
Altera Nobilitas—&c.*

Ovid.

*Huic fuit Evander, qui quanquam Clarus utroq;
Nobilior sanè, Sanguine Matris erat.*

Ibid.

*Sed quicquid patrio cessatum est Sanguine,
Matri*

Reddidit, obscurumq; latus clarescere vidit

Connubia gavisa domus, &c.

Stemmata Materno fœlix, Virtute Paternâ

Stat. Pap.

Now the reason which many learned Men bring to prove the Son to be Partaker of his

* Pub. Papinius Stat. Son of Pub. Papinius Stat. of Naples (a Person skill'd in the Greek and Latin-Tongues, &c.) by Agellina. He was in great favour with Domitian, to whom he dedicated his two Pieces of *Thebais* and *Achilleis*; the first in 12 Books, the other in 2, and 5 Books of *Sylvæ*. He was the Author also of some Dramatick Poems which are lost, as well as his *Agave* mention'd by Juvenal, Sat. 7. Toward the latter end of his Life he retired to Naples with his Wife Claudia, and died there not long after Domitian.

Father's

Father's Nobility, is this, *viz.* Every thing Compound partaketh of the Form and Matter which agreeth to both the Parents. And hence, where the Law is not repugnant to Reason, this Rule is to be held for true.

And now having spoken thus much concerning Nobility Native (or by Birth) I shall directly from hence proceed to Nobility Dative (or Nobility which cometh by Gift.)



CH A P. V.

The divers Beginnings of Nobility Dative.

BEING about to search out the other kind of Political or Civil Nobility, *viz.* Nobility Dative, and that even from the very Original thereof; certain things before said seem here necessarily to be again repeated. But first I must refute the Argument of those who say, that since *Adam* was a common Father to all, whence cometh it that one Man should be better than another? To which an Answer is given out of the same Old Testament, which gave Foundation to the Question, being of the like Authority with the
Christians

Christians and Jews. *Noah* ', when he had planted a Vineyard, and had tasted of his planting, having drunk of the Wine, lay drunk and bare in his Tent ; and *Ham* seeing the Privities of his Father, told it to his Brethren, who upon a natural Honesty and Vertue, with a Cloke cast upon their Shoulders, cover'd their sleeping Father with their Eyes turn'd from him, and not seeing their Father's Nakedness. But *Noah* awak'd, and knowing what his younger Son had done unto him, he curst *Ham*, commanding him to be a Slave of all Slaves. By this shameful and unworthy Fact, *Ham*, with all his Generation, carry'd away his Father's Curse, Servitude, and the Title of obscure and base Persons: whereas contrariwise, *Sem* and *Japhet* found all the Names and Titles of Honesty, Nobility, and Vertue, accompany'd with their Father's Blessing.

This Dative Nobility, whereof my present Discourse is, was for many Causes rais'd and invented, and first of all upon urgent Necessity ; for when evil and wicked Men prevail'd, and good and honest Men were op-

1 Gen. 9. 21—28.

press'd, it was necessary to distinguish the Good from the Bad, and for the Preservation of the publick Peace and Tranquillity, to separate and divide them: whereupon wise, just, and vertuous Men, and the Lights as it were of the World shining before others, were set over the rest, to be to all Men an Example of a godly and honest Life, and to decide and determine all things. And at that time such wise Men and Providers for the Commonwealth, seem'd by Vertue to procure to themselves Nobility; for the old Proverb prevail'd with them, *viz.* Vertue and not Blood made Men noble: such Men were by the People call'd, chosen, and approv'd Counsellors and Judges, who by their Subjects were elected and created Kings and Princes. And they who for their worthy Deeds had obtain'd such honourable Titles and Offices, ennobled both themselves and their Posterity.

2. Another Cause also why Nobility began to be honour'd, was the gross Ignorance and Unskilfulness of the vulgar and common sort of People, who have their Sense, Reason and Understanding so dispers'd and scatter'd, that they cannot gather, discern or judge
any

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any thing certain, firm or found. For the maintenance therefore of the publick Peace and Tranquillity, it was necessary to make choice of Princes (*i. e.* of Governors) Men for their Vertue and Wisdom famous and noble, who might compose and set in order the troubled Estates, for want of Knowledge disorder'd ; and with singular Wisdom and Action, as it were by a certain Cunning, draw the rude People to a more civil kind of Life, and Courtesy of Behaviour: such as were *Jupiter, Pallas, Ceres, Bacchus, Apollo*, and many others. And these Men, by their Wisdom, Vertue and Skill, obtain'd not only the Titles of Nobility and Dignity, but were of the rude ignorant Multitude accounted Gods also, and receiv'd from them even Divine Honours.

3. Nobility hath risen also of the Abundance of Wealth and Riches; for many pinch'd with extreme Poverty, were compell'd to depend upon the richer sort, and giving themselves over wholly to their power, reputed them Noblemen, and as such both accounted of them, and honour'd them.

4. Noble and worthy Acts gave also a beginning to Nobility; for in antient time,
when

when Nations were oppress'd by their Enemies, if any valiant and courageous Man had deliver'd his Country from such Oppression, he was above other Men worthily honour'd. Many also in antient time by Martial Prowess obtain'd Nobility, and were therefore of the People accounted Noble; as was *David* for the Death of *Goliath* the *Philistine*. Some immediately from God were elected and call'd to Nobility, as *Joshua*, *Gideon*, *Jephtha*, and the rest of the Judges of *Israel*, who were Generals over great Armies: Others again were chosen by God even from the Plough, to be Rulers over the People; as the Princes of the twelve Tribes of *Israel*. King *Saul* was call'd out of the Field, *David* from feeding of his Flock, who thought themselves utterly unworthy of such a Princely Calling; but such as God hath ennobled, are of us above all others to be accounted most noble.

5. No small part, but even the greatest part of Dative Nobility, gain'd to themselves Honour and Glory by their Knowledge in Martial Affairs, carrying home with them Victory and Triumph over their Enemies; as did *Horatius Cocles*, *Titus Manlius*, *Scipio Africanus*, and his Brother *Lucius Scipio Asia-*

ricus. I speak not of great Emperors, such as were *Vespasian*, *Domitian*, *Nerva*, *Trajan*, *Antonius Severus*, *Theodosius*, and many others, who were part of them accounted *Patres Patria*, part of them Benefactors, but all of them the best of Princes, whose Images are upon their Coins even yet carried about: and publick Statues were in honour of them, with certain solemn Ceremonies, erected, to the intent that all others of Valour and Vertue should by their Deeds strive as it were to aspire and grow to the like Glory.

6. Others also, born of most base and low Condition, who by Arms in time of War have, for their Wisdom and Courage, been promoted to the great Dignities of Emperors, Cæsars, Dukes, Princes, and Earls, (as *Tullus Hostilius*, *Numa Pompilius*, *Tarquinius Priscus*, *Julius Cæsar*, *Octavianus Augustus*, and such others were) from hence took the Beginnings of the Titles of their Vertues. For certain it is, that at first under the *Roman Empire*, when they had subdued the *Germans*, *Italians*, *Spaniards*, *Britons*, *Gauls*, and other most mighty Kingdoms; Dukes, Earls and Barons were not then in such sort as now they be, but from thence afterwards had their Birth
and

and Rife. All their Offices were executed by Tribunes and Lieutenants. There was a greater Tribune, who was next to the Emperor, and his Successor. There was also a great Officer, call'd *Tribunus Celerum*, Lieutenant of the Army, of the light-arm'd and most ready Soldiers. They who with a Cohort, or Band of Men, had the Guard of the Emperor's Person, and who amongst the *Romans* were of the first Order, next after the Emperor, were call'd *Tribuni Celerum*, as they were long before in the time of *Romulus*, and of the other six Kings his Successors. But for a more full Satisfaction in this matter, take *Echard's* Description of these *Tribuni Celerum*, as to their original Name, Number, when laid aside, reassum'd, and their Number increas'd. The next thing (saith 'he) that *Romulus* did, was to take care of a Guard for his Person, and therefore he order'd the *Curia* to chuse him out three hundred lusty young Men, ten out of each; and these were call'd *Celeres*, à *Celeritate*, from their Activity and Readiness to assist the King upon all Occasions: They were commanded by a Tri-

¹ Rom. Hist. Vol. 1. cap. 1. p. 11.

bune or Colonel, call'd *Tribunus Celerum*, three Centurions, and other inferior Officers. These by ¹ *Numa Pompilius*, second King of Rome, were disbanded, which was the very first thing he did at his Entrance upon the Regal Government; saying also at the same time, that he would not rule over that People, of whom he conceiv'd the least Distrust. *Tullus Hostilius*, third King of Rome, reassum'd them again; and *Tarquinius Priscus*, fifth King of Rome, doubled them. He had design'd to have added three Centuries of the *Celeres* to those three instituted by *Romulus*, but was forbidden by *Actius Navius* to alter the Constitutions of that King: so without creating of new Centuries, he only doubled the Number of the former.

The great Officers, call'd *Magistri Equitum*, or Masters of the Horsemen, had like power with the Dictators and with the Emperors; as ¹ *L. Fenestella*, *Pomponius Letus de Magistratibus*.

¹ Rom. Hist. Vol. 1. cap. 2. p. 21.

² Ibid. cap. 3. p. 30. ³ Ibid. cap. 5. p. 37, 38.

⁴ *L. Fenestella*. There were two of this Name; one a learned Historian, who lived in Tiberius Cæsar's days, or (as Eusebius saith) in Augustus Cæsar's time. The other (whom we are here concern'd with) lived long since him, and wrote de Sacerdotiis & Magistrat. Rom.

ribus Romanorum, and also *Flavius Vegetius*, and *Marcus Tullius Cicero* treating of Martial Affairs, do describe.

But *Pomponius Lætus* writeth, that *Romulus* call'd the General of an Army (whom the *Germans* call'd *Hertzogen*) *Tribunum Celerum*: *Sallustius*, in his Treatise concerning the Conspiracy

¹ *Pomponius Lætus* (Julius) born in the Kingdom of Naples, is said to have been the natural Son of a Prince of Salerno, and was in esteem at Rome in the 15th Age, in the time of Pius the 2d; with *Platina* and *Callimachus*: but was not in the time of Paul the 2d, against whom it's not doubted but he was one of them that conspir'd; and perhaps to avoid Punishment, retired to Venice, but came afterwards to Rome, publish'd an Abridgment of the Lives of the Cæsars, from the Death of Gordian to Justin the 3d, a Book of Mahomet, and one concerning the Roman Magistrates. Obiit Ætat. sue 70 Ann. in the time of Alexander the 6th, and, as it is said, in a very poor Condition. *Sabellicus*, who was his Disciple, writ his Life.

² *Flavius Vegetius* of Constantinople, lived in the 4th Age, under the Emperor *Valentinian*. He writ a fine Treatise of the Roman Discipline, which is very useful for the Knowledge of the Order the Romans observ'd in their Wars.

³ *Sallustius* (C. Crispus) a Latin Historian, born at *Amitemum*, a City of Italy, suppos'd by some to be the same that is now call'd *San-Vittorino*. He was educated at Rome, where he had several important Employments. Never did any Man set down better Sentences than he, in commendation of all Vertues, nor make sharper Invektives against the Luxury and Avarice of his Times; yet for all this, he was for his loose and debauch'd Life banish'd the Senate by the Censors, and was whip'd and fin'd for Adultery, which *Milo* took him in, as *Aulus Gellius* tells us from *Varro*. True it is, Cæsar restor'd him to the Dignity of a Senator, got him made Pretor, and sent him into *Numidia*; which Province having outrageously pillag'd, he return'd so rich to Rome, that he purchas'd a most sumptuous Building upon Mount *Quirinal*, with those Gardens,

spiracy of *Catiline*, hath call'd them *Dictatores & Imperatores*, Dictators and Emperors. *Echara's* words are, The Dictator upon his Creation always made choice of another Officer, who had either been Consul or Prætor, to assist him ; this Officer was call'd *Magister Equitum*, who had chief Command over the Horsemen, as the Dictator had over the Roman People. In the Dictator's absence this Master of the Horse executed his place in the Army ; if present, he commanded the Horse, yet so as to be obedient to the Dictator's Orders, and never to fight either contrary to, or without his Commands. Besides, great Magistrates, call'd *Præfecti Prætorio*, were of so great Credit and Authority, that if Appeal had been made from their Sentence, Appeal might again be made from the Emperor to the *Præfecti Prætorio*, who for

which to this day are call'd the Sallustian Gardens, besides his Country House at Tivoli. He married Terentia, the divorc'd Wife of Cicero, and died in the 185th Olympiad, about the Year of Rome 719. We have nothing but some Fragments of the chief History of Sallustius, which he begun from the first Building of the City of Rome; and the two only entire Pieces we have of him, are, The Conspiracy of Catiline, and The War of Jugurtha. Marcell judgeth him to be the most considerable Author of the Roman History.

2 Rom. Hist. Vol. 1. lib. 2. cap. 2. p. 75.

their

their great Wisdom, Goodness, and Justice, were by the Emperors chosen into that Office, and had almost the whole Estate of the Commonwealth committed to them. The Emperor *Severus* granted many things to the great Officers, call'd *Præfetti Urbis*, and *Præfetti Prætorio*; of both, which here to speak were needless, since my Design is only to touch upon the Authority of the latter (the Captain of the Guard) which the Emperor gave solely to him, who was the chief, lively, and very essential Law it self, and had power to thrust Citizens into Exile, and restore them to their Estates again. Hence it is most evident, that Princes and Governors of People had the Power and Authority of the Sword to punish Offenders, and administer Justice, whereby they were afterwards thought to procure, and get a great Name of Nobility to themselves and their Posterity. And very probable is it also, that the Authority of Princes and Dukes had its Origin from the *Tribuni* and *Præfetti*; which Princes, at such time as the *Roman* Emperors remov'd out of *Germany* and *Italy* into *Greece*, are reported to have assum'd to themselves the Imperial Power: which Authority and Regal Privi-

leges we see (even at this day) granted by Kings and Emperors to Dukes and Princes. So that the Election of Princes and Dukes dependeth not upon their Subjects (as the Election of Kings doth) but is datively, as of Gift, to be refer'd to the Favour and Bounty of the Emperors and Kings to whom they have been subject. And as in former times the Names of Duke and Prince were Names of Offices, and not of Honours and Dignities; so in the times of the *Romans*, the *Roman* Kings, their Dictators and Consuls, and also their Emperors, were in the Administration of their Civil Affairs, all martial Men both of Horse and Foot.

But besides these great Offices of the *Tribuni* and *Præfetti*, there were other publick Offices and Charges; some call'd *Ordinarii*, because they kept Orders in the Army, and stood in the Front of the Battle: Those in the time of *Augustus* were wont to be call'd *Augustales*; and of *Fla*, *Vespasianus*, *Flaviales*. Some were call'd *Aquiliferi*, carrying an Eagle in their Ensigns; others went by the Name of *Imaginati*, bearing the Ensign of the common or general Army of the People of *Rome*, remarkable with the Letters

S. P. Q. R.

S. P. Q. R. i. e. *Senatus Populusq; Romanus*, or the Senate and People of *Rome*; whom I can more properly compare to none, than to our Standard or Ensign-Bearers.

But were I here to prosecute all things in order, this Treatise would abundantly swell beyond my Design, which in this place is only slightly as it were to shew the Beginnings of noble Dignities and Offices, lest any Man should suspect them to be but altogether fictitious, and not grounded upon Reason: Rehearsing in the mean time these things by the way, that when I shall come to our own Age, it may appear how much Powers, Dominions, and Nations, differ amongst themselves; for they who in antient times were under Kings and Emperors appointed Governors over Regions and Countries, are now become Hereditary Possessors thereof; and they who before were but noble Ministers or Servants, are now become absolute Nobles.

By what hath been already said, it most plainly appeareth, that the Kindred, Stock, and Descent of the Nobility in former Ages flourish'd, and became famous, only for Vertue, noble Acts, and Valour of Mind; and that

Vertue

Divines as a thing uncertain) whilst they, in speaking thereof, omitted the Civil Rights of Persons.

It were verily to be wish'd that the Ornaments of Vertue should be every where confer'd and bestow'd upon none, but such in whom Vertue it self resteth; since as the Increase of Honour, so the Credit and Reputation thereof also is propounded to be gotten not by Ambition, but by Industry. But as Political Nobility is another thing, whereof there be divers Beginnings, and those of such Sort and Condition, as make in every Man who hath them, a Beginning and Excellence proper and peculiar to himself; so it is from the rest of the kinds of Nobility (*viz.* Theological and Philosophical) by this only difference distinguish'd, That whilst they rest alone upon Religion and Vertue, this Civil Nobility resteth upon the Customs of Nations.

But if these old and most antient Times of the *Roman* Empire be compar'd with ours, we shall find no Token of that antient Nobility in the Courts of Princes. If we seek for such as they call'd *Patricii*, or Senators (whom the *Romans* reverenc'd as Men sent down from Heaven) we shall find them no where
but

but in Cities and great Towns, exercising Ufury and Merchandize (Trades utterly prohibited by the *Romans*) whom (tho within their own Walls they be much regarded and esteem'd) our noble Courtiers were wont to scoff at and ridicule. Or if we go to the time of Pope *Urban*, who made *Charles*, the Son of King *Levis VIII.* in *France*, a Senator of *Rome*, when he should rather of his own Right have grac'd him with the Cardinal's Hat; how ridiculous a Comparison was it of the *French King's* Son with a Senator of *Rome*, as the matter now standeth?

Now therefore let us see (and with all reasonable Brevity) how, and by what degrees the Empire of that City (which first built by Shepherds, at length became Mistress of the whole World) began afterwards to decline from so great an Estate; and together with the Change thereof by little and little, drew with it the Alteration of noble Dignities and Titles also.

After the Translation of the *Roman* Empire by *Constantine* the Great, all that Excellency of publick Dignities, whereof I have expressly and sufficiently enough before treated, seemeth to have been chang'd into a certain other
Form,

Form, and a new Manner of ennobling Men to have been devis'd : And indeed the Names of Honours and Dignities in the East Empire seem to have been different from those of the West Empire ; and the *Latins*, after that the Empire was rent in sunder, and seated at *Constantinople*, became subject to the *Greeks* : for he who was there next to the Emperor, either by reason of the Nearness of Blood, or by Institution, and of the *Latins* call'd *Primas*, was of the *Greeks* by a general Name saluted *Despotes*, *i. e.* Lord ; as he is at this day call'd *Monsieur* amongst the *Frenchmen*. The latter Writers were wont to call him (the same Man) *Sebaston*, according as the Emperors had devis'd honourable Titles, wherewith they might grace their Friends, and bind them to them. The third in Dignity from the Emperor was the *Sebastocrator*, who was follow'd by him, whom they call'd *Cæsar*, as fourth.

But whilst the Emperor *Basilus* was wont to be call'd *Sebastos*, and also *Cæsar*, he (the same Man) at one and the same time enjoying all these Titles, these Dignities were then as Offices, and not as Titles of Honour. But afterward, according to the Emperor's pleasure,

sure, they began to be bestow'd and dispos'd of as honourable Names of Dignities, even without any Offices at all belonging to them. And for a time the next in Honour to the Emperor was call'd *Cesar*, as the King of the *Romans* is at this day in the West. But afterwards *Sebastocrator* was the second in Honour, and *Cesar* the third; at such time as *Alexius Comnenus* appointed his Brother *Isaacius* to be *Sebastocrator*: of whom *Zonaras* (a Greek Historian) speaketh more at large. And last of all, *Alexius Paleologus*, being *Despotes*, was made next in Honour to the Emperor; to whom he, the same Emperor *Comnenus*, having no Sons, betroth'd his eldest Daughter *Irene*, and grac'd him with the Title of *Despotes*, as he who should have been Heir of the Empire, if he had not before died.

Protosebastus had the first Place and Degree of Honour from the Emperor, and at length *Pankhypersebastus* began to be the most stately and majestical Name of all others; being a new Title of a new Dignity, invented by *Alexius Comnenus*, to gratify *Michael Taronitus* withal. *Eparchus* was also a Name of great Honour, as if we should say the Chief of all
the

the Provincial Prefideats. *Contostaulus* was General of the Auxiliary Forces, which out of *France*, *Sicily*, and *Italy*, serv'd in the East; whereof he was call'd the great *Contostaulus*, and otherwise *Comestabilis*, which the *Italians* interpret *Contostabile*. *Drungarius* was he who had the Command of the Fleet at Sea: But he who commanded the Army at Sea, they call'd the great Duke, and in *Greek* *Mega-Dux*, for difference sake, imitating therein the *Latins*; for he who led the Army at Land was call'd *Egemon*, but he who rul'd at Sea, *Dux*. And over the Land-Army commanded always either the Emperor himself, or the *Despotes*, or the *Sebastocrator*, or the *Cæsar*, or the *Panhypersebastas*. And to this great Duke, who was their chief Admiral, they made subject all the *Drungars* of their Fleet, their Admirals, *Proto-Comites*, and the great *Drungarius* himself, before whom they also appointed the Emperor's Statue on horseback (which they call'd *Consus*) to be carried at Sea. They had also their great *Logotheta*, whom we at this day call the Chancellor; their *Logariastes*, whom the *French* call Comptroller; and their *Protoftator*, or Marshal of their Army. Their *Primicerios* also
and

and *Primaugustos*, and many others of that sort, I willingly pass over, left in prosecuting every one, my Discourse should grow too long and tedious. These were all honourable Dignities, and for the most part made not so much for the Necessity of their Offices or Order, as by the Favour and Good-liking of the Emperor.

But whilst it seem'd so good to the Emperors to appoint the Seat of their Empire at *Constantinople* (where all things now lie swallow'd up of the *Turks*) they left the West bare of their Legions, and strengthened only with Forts undefended, and subject to the Invasions and Fury of the barbarous Nations; upon the Fall and Decay whereof the Ruin of the Eastern Empire at length ensued also. *Italy* and *Africk* were at that time govern'd by their *Exarchi*, *Toparchi*, *Comarchi*, *Carthularii*, *Spatharii*, *Gustaldi*, and *Catapani*; but afterwards, when *Narses* the Eunuch, and one of the *Roman Patricii*, was by the Emperor *Justin* (the 2d) appointed Governor, he brought in those whom they call'd *Consulares*, *Præsides*, and *Correctores*. But as soon as *Narses*, provok'd with the Injuries and Affronts of *Sophia* the Empress (and with Anger in-

rag'd)

rag'd) had call'd in thither the *Lombards* out of *Pannonia*, they became by little and little to vary concerning the Titles of Honour, and Names of Dignity.

For *Narses* being dead, *Longinus* (one of the *Roman Patricii* also) by the same Emperor chosen Governor, or *Exarch* in his stead in *Italy*, for the repressing of the *Lombards*, but a little before call'd forth by *Narses*, and even now about to come, created Dukes throughout the Provinces, (in imitation probably of *Constantine* the Emperor, who is reported to have provided by Law, that Countries and Towns should be assign'd to Dukes, Earls, and old Captains, who having long serv'd, were to be rewarded for their past good Services.) And to this purpose tend the words of *Guicciardin* himself, which I have thought good hereunto also to adjoin.

* *Guicciardin* (Francis) a Citizen of Florence, in great favour with Leo 10. Adrian 6. and Clement 7. Alexander de Medicis, Duke of Florence, chose him for a Counsellor of State. He wrote the History of his time (approv'd by all learned Men) and died 1540. This is our *Guicciardin*. There was another (Lewis) Nephew to ours, who writ an exact History of the Low-Countries, translated into French by Bellefont, and into Latin by Brantius, &c. He died in 1589.

‘ By the Tranſlation of the Empire to *Con-*
 ‘ *ſtantinople* (ſaith he) a way was open’d to
 ‘ the Power of the *Roman* Biſhops; for the
 ‘ Authority of the Emperors daily more and
 ‘ more weaken’d, and decreaſing in *Italy* (both
 ‘ by their continual Abſence; as alſo for that
 ‘ they were ſtill buſied with Wars in the
 ‘ Eaſt) the People alſo by little and little re-
 ‘ volting from them, and the City of *Rome*
 ‘ it ſelf being at length oftentimes by the
 ‘ *Goths* and *Vandals* taken and ſack’d, began
 ‘ to decay and vaniſh away: But the bar-
 ‘ barous People being afterwards driven out
 ‘ of *Italy* again by the Power of the Empe-
 ‘ rors, the Government began again to be
 ‘ managed by great Magiſtrates (of whom
 ‘ he, who commanded over the reſt as chief,
 ‘ was call’d *Hexarchus*, and had his Seat
 ‘ at *Ravenna*) who appointed Governors o-
 ‘ ver the reſt of the Cities of *Italy*; which
 ‘ Governors they call’d Dukes. From hence
 ‘ came the Name of *Hexarchaſhip* of *Raven-*
 ‘ *na*, wherein all Places were comprehended
 ‘ which had not Dukes of their own, but
 ‘ were under the Command of one *Hexar-*
 ‘ *chus*.’ (For according to *Potter’s Grecian*
History,

History ', towards the Declension of the *Roman* Greatness, the chief Magistrate of *Athens* was call'd μέγας στρατηγός, i. e. Duke. But *Constantine* the Great, besides many other Privileges granted to the City, honour'd him with the Title of μέγας στρατηγός, or Grand-Duke.) Not long after, a notable Change and Alteration of Matters ensued from the *Lombards*; for they a most fierce and cruel People were entring into *Italy*, possess'd the Country call'd *Gallia Cisalpina*, of whom it hath also taken the Name of *Lombardy*. They added also to their Government *Ravenna*, with all the *Hexarchatship* thereof, besides many other parts of *Italy*; extending their Arms as far as *Picenum*, *Spoletum*, and *Beneventum*, over which they appointed Governors to rule and command, whom they call'd Dukes, &c. So the *Lombards* raging and roaming far abroad in *Italy*, at length with thirty of their Dukes in vain attempted to have taken the City of *Rome*. And thus, according to the Manner of Wars, it came to pass, that the Titles of the Dignities of the former Empire being neglected, all things

¹ Vol. 1. cap. 7. p. 27.

began to be govern'd by the Generals and Commanders of the Armies, *viz.* by such as they call'd Dukes, Earls, and Princes. These People *Charles* the Great, Son of *Pepin* King of *France*, by the *Romans* call'd into *Italy*, having taken *Ticinum*, the Metropolitcal City of the *Insubres*, and there slain *Desiderius*, (of a Constable promoted to be King of *Italy*) overcame and subdued; and was forthwith, by the general Consent of all Men, chosen Emperor of the West Empire: who as he would have the Empire it self call'd the *French Roman* Empire, so had he a Design even in the beginning thereof to make it Hereditary, and made the great Men, and those who were with honourable Titles grac'd, altogether free; binding them by Oath, as Men holding in ' Fee only of the King, and of the Emperor. So that if by chance they should recede from their Faith and Allegiance, or die without Issue, he then ordain'd those their Dignities to be transfer'd to others: And this his Ordinance was call'd *Investitura*, or an Investiture. The Bounds and Towns of his Kingdom he committed to the Govern-

¹ *This was the Original of holding in Fee.*

ment of Counts or Earls. The Bounds and Borders they call'd *Marchias*, or *Marches*; whereupon the Governors of the *Marches* began to be call'd *Marthiarum Comites* (or Counts of the *Marches*) and at length *Marchiones*, or *Marquesses*. Those whom he set and plac'd in the Provinces, for the Administration of Justice, and the keeping of the People in their Allegiance, were then call'd *Missi* (or Men sent) or otherwise *Legati*, i. e. the Emperors Legates or Lieutenants. But such as the People created afterwards of themselves for the Administration of Justice, and the Government of Cities, being two or more in number, chosen after the manner of the antient *Roman* Commonwealth, were call'd *Consuls*. The *French Roman* Empire with this Success made by *Charles* the Great, was left to his Posterity almost Hereditary; which shortly after also, under the Emperor *Charles* the Gross (Nephew in the fourth degree to *Charles* the Great, and before King of *Germany*) devolv'd from the *French* to the *Germans*: To whom also (within a few years after) *Otto* the Great, King of *Germany*, and he Emperor too, succeeded; who following the Steps of *Charles* the Great, gave such

who serv'd in the first Ranks, excelling others in Strength and Age, and who follow'd the Spearmen divided into fifteen Bands or Troops, so plac'd as it were for a Refuge and Relief for them, that if in Battle the Spear-men should be forc'd to retire, they might in safety fly to those *Principes*, as to principal Men of more approv'd and assur'd Service. Hence *Castra Principalia*, the Principal Tents, and *Porta Principalis*, the Principal Port, where those *Principes*, or Principal Men, were wont to lie with their Bands, so often occur in *Livy*.

Next to *Augustus* the Emperor, they who in the Emperor's Name govern'd the *Roman* Affairs, were call'd *Principes Senatus*, or Princes of the Senate: But afterwards the Emperor would have the Place or Title of a Prince to be a Dignity next to a King's, who amongst the antient *Saxons* were call'd ' *Ethelinges*, and with us *Clytones*.

¹ ' Edlingi, or Ethellingi, ab Edel or Ethel, Noble, and Ling or Ing, a Patronymick, as some, or a Termination only, as others, would have it; generally it signified all sorts of the Nobility, but strictly with us the King's eldest Son, and Heir of the Kingdom.' Dr. Brady's History of England, first part of the Saxon History, lib. 2. p. 82.

But now it is as it were a general Name diversly given and attributed to many at once, and orderly comprehending in it all the greater sorts of Dignities ; yea, in some places, according to the Manner and Custom thereof, the Title and Dignity of a Prince, is inferior to the Title and Dignity of a Duke or Earl.

Duces, or Dukes, took their Names from the *Latin* word *ducendo* ; as if we should say *Ductores*, or Leaders, because they marching before, led on their Followers. Hence we read the *Latin* Phrase, *ducere Bellum*, i. e. to lead War, for *gerere Bellum*, to make War. And so,

Hi Bellum assidue ducunt cum Gente Latina,

i. e. these Men make continual war with the *Latin* Nation. And they who as Dukes or Generals were Leaders of Armies, were wont to bear such Ensigns as the Consuls did : whereupon the word *Ducatus* sometimes signify'd the Region or Country over which the Duke commanded ; and sometimes the Military Government and commanding Authority it self. To which sort of Men, for their honourable and valiant Deeds in the Wars, triumphal Ornaments were sometimes given.

Amongst

Amongst the antient *Germans*, to a General or Leader of an Army were assign'd 12 Counts or Earls to attend upon him.

Marquisses were so call'd of a certain Jurisdiction, Bound to some certain Place: So he who had the Command and Government of any Frontier-Territory, or Sea-Coast, was call'd *Marchio*, or a Marquiss. The General also of the Kingdom, or for the King, was sometimes also call'd *Marchio*, (or a Marquiss) and they who receiv'd of them Fees were properly accounted the *Valvasors* of the King or Kingdom, as Men standing with the Generals, *ad valvas Regni*, at the Gates and Entrances of the Kingdom. Others there be who go about to derive the word *Marchio* from *Marcha*, (a word of the *Celtes*) from whence also the word *Marchare* (in *French*) to ride, and the *Marchomanni*, as a People who excell'd in good Horsemanship.

Now of Counts or Earls, as there were divers kinds, so of them amongst the antient Writers are found divers and sundry Sorts and Orders; such as amongst the rest were *Comites Sacri Palatii*, or Counts of the Sacred Palace; *Archiatři*, or Principal Courtiers; and *Comites Stabuli*, or Constables. For *Desiderius*
(as

(as I have formerly noted) being from a Constable chosen and appointed by the *Lombards* King of *Italy*, was slain by *Charles* the Great. History also observes, that he sent *Burchardus* the Constable with his Fleet to *Corfica*.

There were also *Comites Militum*, or Counts of the Soldiers, of whom the *Romans* would have always two residing in the East, who were thereof sometimes call'd *Comites Orientis*, or Counts of the East. And in short there were Counts of Provinces, such as were the Counts of *Spain*, *Britain*, and of the *Saxon* Coasts in *Britain*.

The *Gustaldus* in *Italy*, and a Count, seem in antient time to have been all one. There are some also who believe a Count in old time to have been call'd *Comarchus*.

The Name of a Viscount sheweth a Beginning not to be doubted of; for he to whom the Count in the Camp committed the Authority of his Jurisdiction, was call'd *Vitecomes*, or Viscount; as were in antient time the Proconsul, and his Lieutenant or Deputy.

But whence the *Barones*, or Barons, were so call'd, is yet a little doubtful; for to the *Romans*, as concerning their Dignity, they were utterly unknown, tho some affirm it

to be a *Latin* word, by that Saying of *Cicero* to his Friend *Atticus*; *Apud Patronum reliquosq; Barones, te in maximâ gratiâ posuit, i. e.* he brought you into great favour with your Patron, and the rest of the Barons.

Others obtrude to us the *Greek* word βασις, which signifieth Grave: But be it as it will, if Credit be given to our most Learned Lawyer *Bracton*, the Barons were still accounted as most valiant Men; for he calleth them *Robora Belli*, or the Strength of War. And by *Baldus*, a Baron is defin'd to be a Man, having from his Prince the Power and Authority of correcting and punishing all Offenders whatever, from the highest to the lowest. But it sufficeth now concerning these things to have said thus much, as purposing of the same to speak more at large hereafter. And now let me come nearer to the Matter, by comparing of antient things with others of later Date, to the intent that by applying of those things of Antiquity to this our Age and Time, the Reason, as well of the Names, as

* Lib. 1. cap. 8. num. 4.

* Who lived in the fourteenth Century, and was one of the most eminent Lawyers of his time.

of the Dignities themselves, may the better and more manifestly appear.

As the Empire of the *Greeks* was by the *Turks* overthrown, and reduc'd to nothing, even so was the Empire of the West by the Cunning and Ambition of the *Roman* Bishops rent asunder and weaken'd; the former Greatness whereof, the very Ruins do now scarcely declare. However, its Majesty is still by the seven-Princes Electors, (by the *Germans* call'd *Corverstein*, and which are now nine in number) to the Ornament of the Christian World, upheld and maintain'd. The Septemvirate of *Germany*, the Emperor *Otho* the 3d, and Pope *Gregory* the 5th, ordain'd in the Year 960; to whom afterwards the Emperor *Charles* the 4th engag'd the Revenues of the Empire (having promis'd to every one of the Electors 100000 Crowns) that he would appoint *Wenceslaus's* Son Heir of the Empire: But the Mony being not paid, it came to pass that the Patrimony of the *Roman* Commonwealth, which was appointed to the Use and Maintenance of the Wars (and for that only cause subject to Alienation) was privately distributed and divided amongst them, to every one of them a part, whereby the Power of

into Noble and Ignoble, with a certain difference of those two sorts amongst themselves also.

For such as with easy Exercises get their Livings, such as excel in the Knowledge of Martial Affairs, in Learning, Wealth, or Virtue; These Men, in these times, are as it were the Seminaries of Nobility, (as were in antient time the Gentlemen whom they call'd *Equites* amongst the *Romans*, the Nursery of the Senators.) Many noble and famous Gentlemen have also from Lawyers and Merchants descended: and altho some of the vulgar and common sort of People be amongst them of better Account and Reputation than others of them; yet in respect of the Nobility, they are altogether base and ignoble: as all free-born Men, who are not of the vulgar sort, are indifferently and equally noble, according to the *French Proverb*, *Je suis Gentilhomme, comme le Roy*, I am a Gentleman as well as the King; *Il Foy de Gentilhomme*, The Faith of a Gentleman.

Yet is it to be known, that Antiquity and high Functions have their Estimation as well in Political Nobility as in other things; and hereof (as it seemeth to me) are those Distinctions

inctions of Nobility, nominate and innominate, or of the greater and lesser Nobility, as some others would have it: And nominate, or nam'd Nobility, I call that which is by Hereditary Succession grac'd with Titles and Fees. As a King taketh that his Denomination of his Kingdom, a Duke of a Dukedom, an Earl of his Earldom, and a Baron of his Barony; who may also be call'd *Majores Nobiles*, or the greater Nobility, tho' not altogether so properly, inasmuch as that Distinction of Nobility indifferently comprehendeth all sorts of Noblemen, and the higher Magistracies (bestow'd upon Men for Term of Life only, or during the Prince's pleasure.) The rest of the Nobility, under the degree of Barons, may be call'd *Nobiles innominati*, or unnam'd Noblemen, or *minores Nobilitas*, i.e. the lesser Nobility.

And yet there are some of them who seem to have nam'd Nobility, tho' not to be placed in the same Rank and Order; such as Knights and Esquires: But because the Titles of Knighthood and of Esquires are not Hereditary, they are reckon'd among the lesser Nobility.

The *French*, in the mean time, and we *English* also, do by more known Words better discern the greater Nobility from the lesser, but not without a certain Injury and Wrong done to the *Latin* Tongue, from which we derive out Nobility : for who knoweth not that the *Latin* word *Nobilis* indifferently comprehendeth all such as are above the common and vulgar sort of Men ? which Word is in *French* or *English* expounded Noble : by which the common sort of *Englishmen* calleth or distinguisheth no Man under the degree of a Baron.

The rest, under the degree of Barons, are in *French* call'd *Gentilzhommes*, and in *English* *Gentlemen* ; of whom such as are neither Knights nor Esquires, we call but only Gentlemen, without any Addition, and in *French* *Gentilzhommes simples*, or plain Gentlemen : Altho perhaps some of these Men can shew more Arms of their Stock, and derive their Pedegree higher than some others of greater Dignity, or even the Emperor himself can.

Hence in Political Nobility simply understood, these plain-term'd Gentlemen are not inferior to Princes themselves, tho in Honour and Dignity much ; for the Titles of Kings, Dukes,

Dukes, Marquisses, Earls, and Barons, are as it were the Names of most honourable Offices; and by reason of such Additions one becometh more famous and noble than another.

Thus having spoken more at large and in general of these things relating to Nobility, I shall now descend to the particular Degrees thereof with us.

Now as to the Division of the Orders and Degrees of Men, which our *English* Commonwealth and Empire beareth, they have admirably well set it down, who have divided the same into a King, Nobility of the greater and lesser sort, Citizens,* Men liberally brought up, and Labourers. But forasmuch as I have purpos'd to speak only of the Degrees of Nobility, and that the Intention and Scope of this Work tendeth no farther; I shall take notice only of the Kings and the chief-nam'd Nobility, whom we call the Peers of the Kingdom, the common Fathers of the Commonwealth, and in short by one Name, Great Estates or Noblemen.

Yet amongst so great Changes of things, and Inundations of foreign Nations, wherewith this our Island, from the very first inhabiting thereof, hath been often trodden un-

der foot, and for a long time most grievously afflicted; to write such an exact Discourse, as to set down what were the Original, or first Titles of our Noblemen, with the Orders and Degrees of Honours, seemeth a thing most difficult and hard: Of which things (freely to confess the Truth) being not well satisfy'd my self, I dare not, with too hasty Confidence, affirm much, especially seeing that here, as well as elsewhere, the Conquerors have all along principally endeavour'd not so much to oppress the People by them subdu'd, as to innovate their Customs, and change their Laws. Nature having so order'd it, that with the same Fate wherewith Monarchies and Kingdoms are overwhelm'd, even the Nations themselves, and noble Families, fall and come to Ruin also.

For first the *Romans*, by subduing the *Britons* (the natural Inhabitants of this Island) went about with their Legions to overthrow all things.

But the *Romans* about 500 Years² (more or less) after, being again transported into *France*, the *Saxons*, or rather *English Saxons*, call'd in by the *Britons* to their Aid and Relief, rais'd War against their Hosts, and thrust them

them quite out of their antient Seats, and first of all others gave to the Kingdom the Name of *England*. These People the *Danes* also for a space dispossest'd and turn'd out of the Kingdom; but at length, as soon as it began (as it were) again to breathe under *Edward* the Confessor (a most holy King, and last of the *English-Saxon* Race) he forthwith dying without Issue, gave occasion to the *Normans* to pass over; who (*Harold* their Opposer being overcome, and the *English* put out of their antient Inheritance) began immediately to assign the Lands and Grounds in every place to their Companions and Fellow-Soldiers, and to introduce the *Norman* Customs and Fashions.

Many things, for all that, are yet extant in the most antient Records, even in the Hierarchy of the *English-Saxon* Kings, concerning those Noblemen who were Rulers over the Counties of *Chester*, *Leicester*, and *Lincoln*; who were indifferently also call'd Dukes and Counts of the *Mercians*. The *Danes* had also their *Heretoches*; and the Princes of their *Heretoches*. And *Edward* the King and Con-

all things were so fram'd to the *Norman* Manner, as that of our Nobility at this day there is not any that can draw the least Breath of the Stock and Race of those most antient *Saxons*.

These Foundations of the antient Worthies and Nobility being laid by *William* the Conqueror, and oftentimes afterwards by his Successors, according to the various Occasions and Occurrences of Times gradually continued and augmented, began at length in the Reign of King *Henry III.* and *Edward I.* to shine forth with Brightness and Lustre; who having now vanquish'd the *Welshmen* their Neighbours, and contending with the *Scots* bordering upon them for Principality and Sovereignty; treating of all things concerning the Commonwealth with the three States of the Kingdom (which consisted of the Nobility, Clergy, and Commonalty) They themselves in their Royal Majesty sitting in Parliaments, appointed to every Man a Preeminence according to the Place of his Dignity; From whom especially all the Nobility of our Age may seem to derive the *Divers* and appointed Degrees of Dignities and Honours.

A King then, who may with us also be call'd a Monarch, having in himself the supreme executive Power (the Legislative being in the People, *i. e.* Lords and Commons) is of so great Majesty, as that besides God, and the Law of the Land, he hath no Superior; who from Equity and Justice seeking his chief Praise (when any matter of greater weight or importance is to be decreed, and set down concerning the Welfare and Honour of the Commonwealth) doth either make new Laws, before conceiv'd by the proper States of the Kingdom, or else doth abrogate the old; and free from all Homage for his Empire, is, with the sacred Solemnities of his Country, with a Royal Crown by his Subjects crown'd; whom afterwards we with so great Reverence observe and honour both in time of Peace and War, as that (forasmuch as he himself is the Fountain of all Nobility) he may, for his own pleasure and good-liking, bless and grace whom he will with Offices, Dignities, Honour, Nobility, and Riches. But for a more full and plain Definition of an *English* King, take the Opinions of two famous Lawyers, who lived, one in the time of *Henry III.* the other of *Edward*

Edward I. their words are these; *viz.* God is superior to the King, and the Law, by which he is made King; and his Court, *viz.* the Earls and Barons: the Earls (according to their Names *Comites*) are the King's Associates, and he that hath an Associate, hath a Master: and therefore if the King be unbridled (or which is all one, without Law) they ought to bridle him, unless they will be unbridled as the King, and then the Commons may cry, *Lo Jhesus*, &c. This was the Judgment of that famous Lawyer *Bracton* in *Henry* the III^d's time, of the State of an *English* King. Now for the concurrent Testimony of the Lawyer also in *Edward* the Ist's time, as an Addition hereunto: Altho (saith he) the King ought to have no Equal in the Land, yet because the King nor his Commissioners (in case where the King intrencheth upon the Rights of any of his Subjects) can be both Judge and Party, the King by right ought to have Companions to hear and determine in Parliament all Writs and Complaints, of Wrongs done by the King, the Queen, or their Children; and of those Wrongs especially, whereof otherwise common Right cannot be had.

* *Bracton*, lib. 2. cap. 16.

† *Mirr. Just.* p. 9.

Not is this the Opinion only of Lawyers, but it is the Law it self, to which the Royal Assent was added, and the same seal'd with an Oath in the solemn Stipulation made by Kings at their Coronation, with the People then present in the Name of the whole Body. If then the King be under the Law in case of Direction, as by Stipulation, he is bound if he be likewise under the Law in case of Transgression, to be judg'd by his *Comites*, or Peers : so that certainly an *English* King is but *Primus inter omnes*, and not *super totum*. But I shall stop here, lest I be led by so copious a Theme beyond the Limits I at first propos'd.

Amongst the Nobility or Peers of the Kingdom, the Prince is the chief, being the King's eldest Son, or Heir apparent of the Kingdom, of long time grac'd with the Title of the Prince of *Wales* : and as he amongst the *Romans*, who was design'd for the Successor, was first call'd Prince of the Youth, and as Flattery prevail'd, afterwards *Cesar*, Noble *Cesar*, and most Noble *Cesar* ; so ours was by our *Saxon* Ancestors term'd *Ætheling*, i. e. Noble, and in *Latin* *Clyto*, from the *Greek* κλυτός, famous ; that Age affecting the *Greek* Tongue'. But

the Name of *Glyto* I have before observ'd to be given to the King's Children in general.

The first who was call'd by the Name of the Prince of *Wales*, after the coming in of the *Normans*, was *Edward*, the eldest Son of *Henry III.* who (his Father *Henry* being dead, and having vanquish'd *Leolin*) was the first that united the Principality of *Wales* to the Kingdom of *England*; to whom also *John* the *Stout* Earl of *Chester*, being dead without Issue Male (other Lands and Revenues being assign'd to the Sisters of the aforesaid Earl) the King his Father had given the same County. But the first *English* Prince of *Wales* was *Edward II.* born at *Carnarvan*, from whom the King's eldest Son was always stil'd Lord Prince. At length King *Edward III.* gave to *Edward* his eldest Son (a most famous and renowned Warriour) then Prince of *Wales* and Earl of *Chester*, the County of *Cornwall* also, which he then had made a Dukedom: And so it came to pass, that afterwards our Kings eldest Sons or Heirs were by the King's Royal Charter, with great Solemnity in full Parliaments, created Princes of *Wales* and Earls of *Chester*, (with the County of *Flint*, which belongeth to the Dignity of the Sword of the County

County of *Cheshire*) but are call'd *Dukes of Cornwall* even from the first hour of their Nativity. And, as the Heirs apparent of the *Roman Empire* were (as I but just now noted) call'd *Cæsars*, of the *Greeks*, *Despots*, *Lords*; those of the Kingdom of *France*, *Dauphines*, and of *Spain*, *Infantes*; so those of *England* have been since that time call'd *Princes of Wales*.

They who are accounted of the Nobility after the *Princes of Wales*, are call'd by us *Dukes*, *Marquisses*, *Barls*, *Viscounts*, and *Barons*: above whom, if I shall also place the most famous Fellowship of *Knights* of that which with us is by far the most honourable Order, taking its Name of the *Garter*, I shall not perhaps seem to have done amiss; since it maketh *Knights*; and sometimes them of the lesser Nobility (excelling others in *Virtue* and *Valour*) almost equal not only to *Noblemen* at home with us, but even to *Kings* and *Emperors* abroad: But of them I am to speak elsewhere apart.

That also these *Noblemen* were originally *Generals* and *Leaders* of *Armies*, or *Gover-*

nours of Countries, I have before declar'd ; but afterwards, as it pleas'd the Emperors, this Nobility was given for term of Life, and at length strengthened with Lands and Fees, was made a certain Hereditary Perpetuity : and so a Duke, who in antient time was (in a manner) the Constable of the Kingdom, and whose chief Service was to lead and conduct the King's Army in time of War, being grac'd with Fees, and once authoriz'd by the King, became an Hereditary Title. Our Kings descended of the *Norman* Blood, so long as they themselves were Dukes of *Normandy*, grac'd no Man with this Title of a Duke till *Edward III.* who first of all, as is aforesaid, exalted the County of *Cornwall* into a Dukedom : after the Example whereof many Hereditary Dukes were also by our Kings created, tho there be none such with us at this day.

Next to Dukes in order follow Marquisses, who in antient time were call'd Governours (or Wardens) of the Borders or Marches. A Marquiss (saith *Cambden*) is (according to the Import of the word) one set to guard the

¶ *Camb. Brit. p. 173.*

Limits; a Title to us before the time of *Richard II.* utterly unknown, who in the tenth Year of his Reign by Royal Charter first created *Robert Vere* Earl of *Oxford*, (his Minion) Marquis of *Dublin*, the Metropolitcal City of *Ireland*. By which Example many others afterwards obtain'd the like Creation by Inheritance.

Concerning either the Etymology, or the Office of an Earl amongst the Antients, I have elsewhere briefly said something; and shall therefore, for a more full, compleat, and exact Description thereof, refer the Reader to those Authors who have treated of the same more at large: and yet I must crave leave to speak a word or two more of these Earls before I give them a final adieu. Earls (soften'd a little from the *Danish* word *Eorles*, i. e. honourable Men) have always been with us both of greatest Authority and Dignity, and of much greater Antiquity than either Marquisses or Dukes; for according to *Cambden*¹, *Tacitus* tells us we had them from our *German* Ancestors: They had (saith he) always Earls, *Comites*, attending their Princes, to furnish

¹ Camb. Brit. p. 173.

them with Counsel, and to gain them Authority. Others again are of opinion, that both the *Franks* and we had them from the *Romans*. However it be, we may rest satisfy'd that their Original is of very great Antiquity. Nor is it any lett at all, but that an Earl may be call'd Earl of any County or Place, from whence he receiveth no Profit, nor therein holdeth any Jurisdiction. Indeed antient Charters declare them in old time to have been Feed-men, and to have been rewarded with the third Penny of the Profit of that Province whereof they were call'd Earls; and for one Instance amongst many, take what follows, *viz.* *Maud* the Empress, Daughter and Heir of King *Henry I.* created an Earl by this Form of Words, as the Charter it self testifies: "I *Maud*, Daughter of King *Henry*, and Governess of the *Engliss*, do give and grant to *Gaufred de Magnavilla*, for his Service, and to his Heirs after him hereditarily, the Earldom of *Essex*; and that he have the third Penny out of the Sheriff's Court, issuing out of all Pleas, as an Earl ought to receive from his County in all things."

And this is the antientest Charter that Mr. *Cambden* ever saw. But now the Custom with us is, that the Titles of Earldom are confer'd and bestow'd according to the King's pleasure, without any Possession of the Places at all; to whom the King, instead of the third Penny, is wont to appoint a certain Sum of Mony to be yearly receiv'd out of the Exchequer, or his Customs: of which more at large hereafter.

Polydore Virgil, as to this Custom, declares also the matter right in these words; ' It is ' a Custom in *England* (saith he) that Titles ' from Counties shall be dispos'd of at the ' pleasure of the Prince, even without the ' Possession of such Places from whence they ' derive their Title.' Upon which account the King usually gives to such as have no Possessions in the County, in lieu of that a certain annual Pension out of the Exchequer'.

After the Earls follow next in order the Viscounts, call'd in *Latin Vice-comites*. This, as to the Office, is an antient Title, but as to the Dignity but modern, since we had none of them before the time of *Henry VI.* for he

in the eighteenth Year of his Reign, created *John de Bellomonte*, or *Beaumont*, a Viscount: So that that which in antient time was the Name of an Office, we now at this day acknowledge to be a certain Name and Title of Dignity, plac'd in the middle betwixt an Earl and a Baron, as a Marquis betwixt a Duke and an Earl. This Degree of Nobility hath Investiture from the Kings themselves, with certain solemn Ceremonies, as the other Degrees of Nobility have.

Amongst the greater Nobility, Barons have the next and last place, whose conjoin'd Power, compar'd with the rest, hath in the principal Affairs of the Commonwealth always been the greatest; of whose Beginning even Truth it self doubtfully wavereth. A certain learned Author saith, *Quod Reges cum plures haberent filios, nec omnes Reges posse fieri (quod Regnum dividi nequeat) prospicerent, ampla cuiq; dabant castra cum Jurisdictione, & Imperio; unde Barones dicerentur, id est, Filii aliis excelsiores.* Some will have the word *Baro* to have been deriv'd from the Greek word βαρύς, signifying grave or weighty. Others again suppose them to have been originally Generals or Leaders of Nations and People, dis-
perfectly

perfectly roaming and straggling up and down without any certain resting places, after the Empire was fallen into decay; who equally dividing the Lands, by force or leave by them gotten, did as it were by a Tutelar Law govern the People, holding of them in Fealty, and subject to every one of their Jurisdictions, either with a mere Sovereignty apart, as Monarchs, or under some other common Prince. Hence *Baldus* calls a Man of greatest, middle, and meanest Authority and Command, *Baronem*, or a Baron: But they who in Power and Authority were in a manner alike and equal, were before in *Latin* call'd *pares Homines* (or like Men) but by the *French* and *Italians* (speaking more contractly) *Parhommes* and *Parhuomini*; and thereof they might (saith he) be call'd *Baroni*, and Barons; for with a more free Pronunciation they in their words easily admit *b* for *p*: and to give more credit to this matter, he addeth thereto the Force of divers Languages. For those whom the *French* from the beginning call'd Barons, we in the same sense in antient time call'd *Thayni*, and in *English* at this day Lords; whom the *Germans* by a Circumlocution more properly call *Free-heren*, which with us truly sig-

nifieth Free Lords, *i. e.* Lords having free Jurisdictions and Territories. But from whence this very word, Lord, is sprung, (which is not so much peculiar to Barons, as to all Noblemen in general) remaineth yet doubtful.

But forasmuch as 'tis our Custom to call all Dukes, Marquisses, Earls, and Viscounts (and some of the greatest Officers and Magistrates of the Kingdom also, tho they be not Barons) after the manner of Barons, Lords; some will have it to be a primitive and original Word of it self, sprung out of the *Saxon* word *Hlaford*, which is interpreted Lord. Others also suspect it to have been a derivative Word, and to have been first brought out of *Burgundy*; it being manifest, that the Emperor *Probus* sent the *Burgundians* (after he had conquer'd them) into *Britain*; who having here seated and settled themselves, did the *Romans* great service if at any time Rebellion did arise, or was stirred up against them: And in that place they call it *Allodium*, which signifieth free, and discharg'd from all Homage and Service. And such sort of Possessors and Owners are even at this day call'd *Allodii*, whom we, resting almost upon the same Reasons, do in *English* call Lords.

Contrary

Contrary to those *Allodii*, or Lords, are the *Leudes*, or *Lendi*, as subject to the *Allodii*, whereof perhaps the word Laird is us'd amongst the *Scots*, who with them is a Gentleman of the better sort, but inferior in degree to a Baron, whom they with us also call a Lord.

But be the Etymologies of the Name what they will, and let Men think of them as they please, it is generally agreed that *Free-heren*, or Lords (call them which you will) have in all places lived as free-born Men, and of great esteem, and were the same whom *Cæsar* calleth *Regulos* in *France*, where even now some of the most old and antient Barons are reported and reputed by a certain Right of their Baronies to contend for Precedence with the new Earls. But how full of Authority and Dignity the Name of a Baron and of a Baronage is, will very plainly and easily appear, if either we respect the Antiquity thereof, as those who in antient time had Hereditary Jurisdiction annex'd to their Honour and Dignity, and whereof we at this day retain a Shadow in our Lords Courts, commonly call'd Court-Barons; or look into the most honourable and venerable Privilege which they have

in the chiefeſt Aſſemblies of the Kingdom : for all Dukes, Marquiſſes, Earls and Viſcounts, have their Seats with the Barons in the high-eſt and moſt auguſt Aſſembly of the Kingdom, *i. e.* in Parliament, only by the Name of their Baronies. Inſomuch that the greateſt Duke ſitting in Parliament (altho he be plac'd according to the Preeminence of his Degree) holds his Place only by reaſon of his Barony ; nor is the Privilege of ſitting there for any other reaſon granted now to our Arch-biſhops and Biſhops (as formerly it was to ſome Abbots and others of the like ſort) but becauſe they have the Poſſeſſion and Dignity of ſome Baronage or Barony annex'd and join'd to their Biſhopricks. Nay, the eldeſt Son of a Duke, tho he be commonly call'd an Earl, as alſo the eldeſt Son of an Earl, tho by the Flattery of Cuſtom, and in reſpect of his Blood, he be call'd in *Latin Dynaſta*, or *Dominus*, in *French Seigneur*, and in *Engliſh* a Lord ; yet if we conſider the Force of the Law, they are not to be number'd either amongſt the Earls or Barons, but only to be accounted Eſquires. Nor can they challenge any Voice or Suffrage in the Parliaments of the Kingdom ſo long as their Fathers live. However, we have

have it often in Experience, I confess, that whenever the King shall see the eldest Son or Heir of a Duke, Marquiss, or Earl, duly qualify'd by Wisdom and Age, and worthy to be present at so great Assemblies as Parliaments; he promotes him to the height of that Honour, and by a Writ of Summons (as they term it) his Father being yet alive, according to the Name and Stile (if he be the Son of a Duke) of his Barony; or if he be the Son of a Marquiss, or of an Earl, by the Name whereof he was before call'd, and whereof he was Heir apparent, and with which his Father also was before invested. This, I say, sometimes is done, and may be done by the Favour only of the Prince, whose Prerogative herein is so indeterminate, as that he may promote to Honours, and admit into Parliaments whom he pleaseth: Many Examples whereof are extant upon Record.

For we rightly acknowledge no Barons, but those whom the King's Royal Majesty hath first by his Charter created, or else the Parliament's Preeminence and Dignity design'd; who so call'd, and once admitted, and in Parliament plac'd, are ever after to be held and accounted Barons, and to be reckon'd amongst

the Nobility of the Baronage of *England* : Nor doth it any where appear that any of them were afterwards rejected or degraded, except by chance their Possessions were so far diminish'd, as that they were by no means able to maintain so great an Honour. For as in antient time the *Roman* Senators, who had wasted their Senators Substance, were out of Senate remov'd; even so I say, such are either of their own accord to abstain from coming into the upper House of our Parliaments, or else (I may say perhaps) are not admitted to sit there, tho they for ever still retain the Stile and Name of their Barony.

And these be they whom we acknowledge to be named Nobility, whereof the Barons are the most honourable, resembling the antient Form of a Reverend *Roman* Father, registred to be one of the Council of State, and of the Senatorian Dignity; and with us giving an Entrance to all the higher Degrees of Honour, as did that amongst the antient *Romans*. At first it was for a certain space given to none, but those who for their Martial Prowess were renown'd; to whom also the Ensign of a Barony was given, as was the Right of wearing a Gold Ring granted to
the

the *Roman* Gentlemen. But afterwards not only they, whom martial Deeds had recommended, but even they also, whom their Nobility of Birth, their Manners, Fortune, or Wisdom, had at home ennobled, were wont by the King's Writ of Summons to be call'd forth to the high Assembly of Parliament. And at length King *Henry VI.* brought in the Fashion to create some by this Name, by virtue of his Royal Charter; the Form whereof, together with that other of calling by Writ of Summons to the Parliament, may be seen at large in several Books of Heraldry; to which I here, for brevity sake, refer the Reader.

Now as to the Manner of restoring renew'd Nobility, before lost, I shall not dwell long upon it; but after a slight Touch, pass over to that Political Nobility, which refreshes chiefly upon the Customs of Nations.

Such as have by their own or others fault lost their honourable Stiles and Titles, are wont to be to the same, by Petitions exhibited to the King in full Parliament, restor'd: which I would have to be a Confirmation of renew'd or restor'd Nobility. Whereof the Request of *Margaret*, Daughter

to George Duke of Clarence, in Parliament, in the first Year of King Henry VIII. (to omit others) may serve for Example; whereby she is restor'd to the Stile, State, Name, Title, Honour, and Dignity of the Countess of Salisbury; from which *Edward* her Brother, Earl thereof, had by his Guilt fallen. The Petition it self is longer than is necessary to be here inserted: it is in *English* extant in the Records, and is shut up with these words, *viz.*

Which Petition being read, and to the
 ‘ full understood, and consented unto by our
 ‘ said Lord the King, by the Advice and
 ‘ Assent of the Lords Spiritual and Temporal,
 ‘ and of the Commonalty in the aforesaid
 ‘ Parliament being; and also by the Authority of the same Parliament, it was unto
 ‘ the same Petition thus answer’d,

‘ *Soit fait come il est desire;*

‘ *Be it done according as it is requested.*’





C H A P. VI.

Customs of Nations.

I Have already said that Political Nobility, still subject to the Dispositions of Princes, and Changes of Time, depended always upon the Customs of Nations.

For first of all, it is manifest that Dignities, which were but the bare Names of personal Offices, at length became hereditary and successory ; and yet with divers Laws circumscribed.

And altho Women in *Germany* born of Dukes, Earls, or Barons, are, according to the Custom of the Empire, stiled and call'd Dutcheßes, Countesses, and Baroneßes ; yet by the Law of the Imperial Grant, the Principalities themselves, with the Fees thereto belonging, descend to the Males only ; who failing, they revert to the Emperor. Which thing, the great Dukedom of *Carinthia* proveth to be so : For *Ericus* (or *Henry*) the last Duke being dead without Heirs Male, the Dukedom by the Laws return'd again to the Empire ;

pire; which *Lewis* the Emperor afterwards bestow'd upon *Albert* Duke of *Austria*.

Sigismund the Emperor also (the right Line of the Dukes of *Saxony* being extinct) gave the Dukedom, in the Year 1423, to the Marquisses of *Misnia*; and the Marquifate of *Brandenburgh* to the Burghraves of *Nuremberg* or *Norimberg*: whose Successors even now at this day enjoy the same.

The same we read to have been done in *Italy*: for *Wenceslaus* the Emperor, in the Year 1490, grac'd the Vice-County of *Milan* with the Title of a Dukedom; but so as that for want of Heirs Male it should, together with that Dignity, be made a part of the Imperial Patrimony. And in the Remembrance of our Grandfathers, we read that the Emperor *Charles V.* created some (as well at *Naples* as elsewhere) but yet always with that common Law of Reversion, That so soon as the last of the Male Descent should die, they should be made Imperial Dignities. But here (by the way) we must remember, that the Emperors did not always do all things according to the utmost Extent of their Power; but sometimes by a new beneficiary or bountiful Covenant, being requested so to do,

do, suffer'd those Titles of Honours to descend to the Daughters, (no Heirs Male remaining) mitigating the Extremity of the Law, (by wise Men first interpreted) Regard being still had either to the Commonwealth, or to some former Agreement, or to the Time present.

In France *Rennatus* ¹ *Choppinus*, disputing of the Royal Demefne, maketh a distinction of Dignities. For he affirmeth all military and masculine Dignities by the ² Salique Law to be annex'd to the Fees Royal, nor by any means by mere Law to come to the Women, altho the Heirs Male fail; except by special and exprefs words it be before otherwise provided: which (he saith) he himself hath seen and read. Yet in the mean time he affirms private Principalities are not to be deny'd to

¹ A Frenchman born in 1537, at Baleul in Anjou, and one of the most eminent Lawyers of that Age. He was a good Pleader, and look'd upon as a sort of Oracle in his Profession. His Works are, viz. *Politia Sacra*, *Monasticon*, besides other Tracts collected in six Vol. in Fol. in Latin, and five in French. He died at Paris in 1606.

² Dictated to the Franks by four of their Nobility, or Chief Men chosen out of many others Anno 422; and so call'd from the River Sala in Germany, about which the Eastern Franks inhabited, or probably near it held their Placita and Conventions, in which they made their Laws, &c. Or from Sal or Sala, the same with Aula, a Hall or Court: so that the Salique Law was the Royal or Court Law. Brady's Compleat Hist. of England, p. 60. 1st part of Saxon Hist.

Women; which he manifests by the Example of the County of *Arminiach*, by a Woman's Right devolv'd to the King of *Navarre*, and by many others also.

And whilst I'm writing some few things concerning our own Affairs, I think it not amiss to subjoin the following *Latin* and *English* Translation of a most antient Writing taken out of the old *Saxon* Laws, which (tho the Original both in Tongue and Character sounds merely *Saxon* like) yet seemeth in some things to favour of the *Danish* Matters, as also of the antient Laws either of the *Britons* themselves, or of the *Saxons* shaken and rent asunder under the Rule and Government of the *Danes*. It follows thus, *viz.*

Tempus erat olim cum Anglicis Legibus & Populo, suus ubique constabat Honor. Qui ex Populo prudentissimi erant, in honore fuerunt, suo quisque ordine, Comes & Colonus, Thaynus & Sub-Thaynus. Quod si Colonus ita rem fecisset, ut haberet plenè quinque hydas propriæ terræ, Ædem Sacram, Coquinam, Campanile & Portam, locum item, & peculiare munus in Regiâ Aulâ, tunc erat deinceps pari cum Thayno dignitate: Si vero Thaynus ita provectus erat, ut Regi serviêrit, & nuncius ejus esset & equitaverit in familiâ. Si
tunc

tunc etiam Thaynum sibi Famulantem habuerit, qui ad Regiam Expeditionem quinque hydas habuerit, ejusque in Regiâ Aulâ Domino serviêrit, terque ejus Nuncius ad Regem venerit, hic deinceps datâ Fidelitate Domini personam sustinere poterat, si opus fuisset. Quod si Thaynus ita evectus erat, ut Comes evaserit, pari erat deinceps cum Comite dignitate. Et si Mercator ita rem fecisset, ut ter vastum Mare suâ peritiâ trajecerit; pari tunc erat cum Thayno dignitate. Quod si literarum studiosus literis progressum fecisset, ut ordines habuerit, & Christo inserviêrit, erat deinde venerandus & immunis, quantum ad locum ejus spectabat, nisi ita excidisset ut suo munere uti non potuisset.

‘ It was sometime in the *Englisch* Laws,
 ‘ that the People and Laws were in Reputation,
 ‘ and then were the wisest of the
 ‘ People worthy of Worship, each in his
 ‘ degree, Eorle, and ¹ Chorle, Theyn and

¹ Chorle, Churle, Ceorle, Carle, was in the Saxon time a Tenant at Will of free Condition, who held some Land from the Thane, on condition of Rents and Services. Which Ceorles were of two sorts; one that hired the Lords Out-Land or Tencmentary Land, like our Farmers; the other that till'd and manur'd the Inland or Demains (yielding Opus, not Censum, Work, and not Rent) and were thereupon call'd his Sockmen or Ploughmen. Cowel's Interp.

‘ Under-

' Under-They'n': and if a Chorle so thriv'd,
 ' that he had fully five Hides of his own
 ' Land, a Church, and a Kitchen, a Bell-
 ' house and a Gate, a Seat and a several Of-
 ' fice in the King's Hall; then was he thence-
 ' forth the Theyn's Right-Worthy. And if
 ' a Theyn so thriv'd that he serv'd the King,
 ' and on his Message or Journey rode in his
 ' Household, if he then had a Theyn that
 ' him follow'd, who in the King's Expedi-
 ' tion five Hides had, and in the King's Pa-
 ' lace his Lord serv'd, and thrice with his
 ' Errand had gone to the King; he might
 ' afterward with his Fore-Oath his Lord's
 ' part play at any need. And if a Theyn so

* Thane, or Theyn, signifies sometimes a Nobleman, sometimes
 a Freeman, sometimes a Magistrate; but more properly, an Officer
 or Minister of the King. Lamb. in his Exposition of Saxon Words,
 Verb. Thanus. And Skene de Verb. Signif. saith, That it is a
 Name of Dignity equal with the Son of an Earl. This Appella-
 tion was in use amongst us after the Norman Conquest, as appears
 by Domesday and a certain Writ of William I. Camden says,
 They were ennobled only by the Office which they administr'd.
 The Saxon Thane was so call'd from Fetian, Service; and in La-
 tin Minister, à ministrando. So that a Thane at first (in like man-
 ner as an Earl) was not properly a Title of Dignity, but of Service;
 but according to the Degrees of Service, some of greater Estimation,
 some of less. So those that serv'd the King in Places of Eminency,
 either in Court or Commonwealth, were call'd Thayni Majores, and
 Thayni Regis: Those that serv'd under them, as they did under
 the King, were call'd Thayni Minores, or the Lesser Thanes.

2 The Parsons always lov'd good Eating.

' thriv'd

‘ thriv’d that he became an Earl, then was
‘ he thenceforth an Earl’s Right-Worthy.
‘ And if a Merchant so thriv’d, that he
‘ pass’d thrice over the wide Sea, of his own
‘ Craft ; he was thenceforth the Theyn’s
‘ Right-Worthy. And if a Scholar so thriv’d
‘ through Learning, that he had Degree, and
‘ serv’d Chrif; he was thenceforth of Dig-
‘ nity and Peace so much worthy as there-
‘ to belong’d, unless he forfeited, so that he
‘ the Use of his Degree ne might.’

These Ruins or Rubbishes of Antiquity make shew of a Perpetuity of Nobility, even from the beginning of this Island : but *Tempora mutantur, & nos mutamur in illis*. For King *Edward* the Confessor, last of the *Saxon* Blood, bringing with him out of *Normandy* the Title of a Baron, the Thanes from that time began to grow out of use, and in process of time to lose even their very Names. But the Name of Baronage began at length to be both in Dignity and Power so magnificent above the rest ; as that therein all the Nobility of *England* seem’d to be comprehended. As for Dukes, they were (as it were) fetch’d from long Exile, and again renew’d by King *Edward* III. and Marquisses

and Viscounts were altogether newly brought in by King *Richard II.* and King *Henry VI.*

But our Kings descended of the *Norman* Blood granted an hereditary and successory Perpetuity to honourable Titles, (such I mean as are the Titles of Earldoms and Baronies) without any difference of Sex at all. Which thing I could by many Examples of Antiquity make manifest; but that by so doing I shall draw out this Discourse into too great a length. However, three things I especially recommend to the Reader's Consideration, *viz.* 1. The Dispositions and Inclinations of our Kings in creating of the Nobility. 2. The Custom of transferring of Honours and Dignities by Families. And, 3. The Force of Time, and the Change and Alteration of Things. For our Kings (who only and alone do in their Kingdom bear the absolute, tho not arbitrary, Rule and Sway) are with us efficient Causes of all Political Nobility. In short, our Kings Royal Majesty is always, like it self. constant and the same; which having regard to the Virtue, Stock, Wealth, and Substance of any Man, (whereby he may with his Counsel or Service profit the Commonwealth) may in every place freely (and
without

without restraint) give and bestow Dignities and Honours, sometimes chusing more Barons than one out of the same Family ; (the Custom of the Succession of the former and more antient Baron being still kept intire, and not at all broken :) As *Edward VI.* wisely did in the Family of the *Willoughbies*, which Family (that for brevity-sake I should not reckon up more) besides the most antient Barony of the *Willoughbies* of *Eresby*, produc'd another Barony also of *Parham*.

Our Kings therefore we acknowledge to be the Fountains of Political Nobility ; to whom we may gratefully refer all the Degrees of Honours and Dignities : and we have just cause to rejoice on the behalf of our Nobility of *Britain*, who have always had Kings themselves Authors, Patrons, Governours, and Defenders thereof ; that when Lands, Fees, and Possessions subject to Covenants or Agreements, are still toss'd with the Storms of the Judicial Courts, and of the Common Law, it is only to the Kings themselves beholden, and resteth upon Heroical Orders, and Institutions proper and familiar to it self. So that,

*Per Titulos numerentur Ævi; semperque renata
Nobilitate virent, & Prolem fata sequantur
Continuum propriâ servantia Lege tenorem.*

And the Noblemen, for deciding of Suits concerning their Honours, and for giving to every Man that which of right belongeth to his Fame and Dignity, have their Tribunal, or proper Martial Court, which they are wont to call the Court of Chivalry: of which, when I shall come to the Order of Knighthood, I shall be a little more particular.



C H A P. VII.

Of Noblemen of the lesser Sort.

THE lesser Noblemen are divided into three Sorts or Ranks, *viz.* Knights, Esquires, and those we call only by the name of Gentlemen.

Knights, call'd by our *English* Lawyers *Milites*, are all one with the *Saxon* *Cnite*; and signify with us Persons bearing Arms, who for their

Vertues

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Vertues and special martial Prowess are by the King, or one having the King's Authority, singled from the ordinary sort of Gentlemen, and rais'd to a higher Step of Dignity. They amongst all Nations took their Names from Horses, because in antient Times they serv'd in the Wars on horseback. The *Romans* call'd them *Equites*, the *Italians* term'd them *Cavallieri*, the *French* *Chevaliers*, the *Germans* *Reyters*, the *Spaniards* *Gavallaros*, the *Welch* *Murchog*, &c. and all with respect to Riding. *Cambden* ¹ says, They are call'd Knights only by the *English*, a Word in the antient *English*, and *German* Tongue, signifying promiscuously Servant, or one that does Service, and a Young-Man. Our common Lawyer *Bracton* mentions the *Rad-Cnighites*, *i. e.* serving Horsemen, who held Lands upon this Condition, That they should furnish their Lord with Horses; from whence, by shortning the Name, (the *English* loving Contractions) *Cambden* was perswaded, that Knights remain now in use with us. But for what reason the Laws of our Country, and all the Writers since the *Norman* Con-

¹ Camb. Brit. p. 178. fol. Edit. ult.

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quest, should term them in *Latin*, *Milites*, the same Historian did not well apprehend. Not but that he knew well enough, that in the Declension of the *Roman* Empire, the Name of *Milites* was transfer'd to such, as were always attending upon the King's Person, and had the more considerable Employments in the King's Retinue. But according to the best of his knowledge of the matter, he concludes, that the first who were so call'd amongst us, were they who held beneficiary Lands, or in Fee, for their Service in the Wars. For those Fees were call'd Military, and they who in other places are term'd Feudatories, were with us stiled *Milites*, Soldiers, (as the *Milites* or Soldiers of the King, of the Archbishop of *Canterbury*, of Earl *Roger*, &c.) because they had Lands bestow'd upon them by these Persons, with this Condition, that they should fight for them and pay them Fealty and Homage. Whereas others, who serv'd in the Wars for so much in Money, were call'd *Solidarii* and *Servientes*. However these *Milites* or *Equites* (call them which you will) are of four sorts with us; *viz.*

² Camb. Brit. p. 178.

those

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those of the Order of the Garter, (the most honourable of all) the Bannerets, those of the *Bath*, and such whom we call in *English* simply Knights, and in *Latin Equites Aurati*, or *Milites*, without any addition.

Knights of the Garter, *Equites Garterii*, or *Periscelids*, (by far the most honourable of all Orders) were first created by King *Edward III.* (the most Invincible King of *England* and *France*, a Prince principally endow'd with all manner of Piety, Magnanimity, and Wisdom) in the 23d Year of his Reign, after he had obtain'd many notable Victories over the *French* and *Scots*; who for furnishing of this Honourable Order, made a choice out of his own Realm and all Christendom, of the best and most excellently renown'd Knights in Virtue and Honour; bestowing this Dignity upon them, and giving them a blue Garter (but commonly call'd the Garter) deck'd with Gold, Pearl, and precious Stones, and a Buckle of Gold to wear daily upon the left Leg only, a Kirtle, Crown, Cloke, Chaperon, a Collar, and other stately and magnificent Apparel, exquisite and heroical, to wear at high Feasts, as to so High and Princely an Order was meet. Of which, he and

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his Successors, Kings of *England*, were ordain'd Sovereigns, and the rest Fellows and Brethren, to the number of 26; who being solemnly sworn, and binding themselves together with a Bond of mutual and perpetual Friendship, for the defence of the Honour and Dignity of their College and Fellowship, refuse not to undergo any Danger, no not Death it self. And being once yearly attir'd in the Robes and Ornaments of their Order, meet together upon the 23d Day of *April*, a Day dedicated to *St. George*. This Honourable Society being a College or Corporation, hath a common Seal belonging to it, and consists not only of a Sovereign Guardian, (which is the King of *England*) who always governs this Order by himself or his Deputy, and of 26 Companions, call'd Knights of the Garter; but of 14 Secular Canons that be Priests, or must be within one Year after their Admission; 13 Vicars, Priests also; and 26 poor Knights, who have no other Sustainance, or Means of living, than the Allowance of this House, which is given them in respect of their daily Prayer to the Honour of God and *St. George*. There be also certain Officers belonging to this Order, *viz.* the Pre-
late

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late of the Garter, (which Office is inherent to the Bishop of *Winchester* for the time being) the Chancellor of the Garter, the Register, (who is always Dean of *Windsor*) the Principal King at Arms, call'd *Garter*, whose chief business is to manage and marshal their Solemnities at their yearly Feasts and Installations. Lastly, the Usher of the Garter, who is also the Usher of the Black Rod. The Scite of this College is the Castle of *Windsor*, with the Chappel of *St. George*, erected by that great King *Edward III.* as also the Chapter-House in the said Castle. This Order (according to *Cambden*) receiv'd great Ornament from *Edward IV.* And *Charles I.* as an Addition to their Splendor, order'd all the Companions of the Order to wear on the left side of their upper Garment the Cross of *England*, encircled with the Garter and Motto, (*Honi soit qui Maly pense*, commonly thus interpreted, *Evil to him that Evil thinketh*; or rather thus, *To him be it, that Evil thinketh*) from whence round about are cast Beams of Silver, like the Rays of the Sun in full Lustre. This is what I have thought sufficient to insert, in this small Treatise, concerning the Knights of the most Noble Order

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Order of the Garter. And for farther Satisfaction herein, I shall refer the Reader to that large Tract written by *Elias Ashmole Esq;* concerning this Order.

A Banneret, *Bannerettus*, *Miles Vexillarius*, is a Degree of Honour esteem'd the last amongst the greatest, (I mean *Nobilitium Majorum*) or the first with those of the second Rank. In Mr. *Skene's* opinion it is compounded of Banner and Rent. But *Cambden* derives it from the German *Banner-Heyrs*, and cannot trace their Antiquity beyond the Times of *Edward III.* when *England* was at its height for martial Discipline; and faith, That till Time sets this matter in a clearer light, he must believe, that this Honourable Title was then first invented as a Reward to warlike Courage. There have been three Forms of Creations, *viz.* Sometimes under the Royal Standard display'd; the Person, by having the lower end of his Penon cut off into a Square, (such as Barons use) receiving this Honour. 2. Or by Patent, as *Edward III.* created *William de la Pole*, *ut Statum & Honorem teneret & continueret Banneretti*, to him

^a Camb. Brit. fol. p. 179. Edit. ult.

and

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and his Heirs. 3. Or by Writ, as *Nicholaus de Grey* was declar'd by Writ of *Edward II.* to be *de Familia Regis tanquam Bannerettus*; thereby meaning both Precedency and Salary accordingly. *Sir Thomas Smith* saith, that a Banneret is a Knight made in the Field, with the Ceremony of cutting off the Point of his Standard, and making it as it were a Banner; and accounted so honourable, that they are allow'd to display their Arms in the Field, in the King's Army, as the Barons do. *Cambden's* words are, *'Banneretti à Baronibus secundi erant, quibus inditum Nomen à Vexillo, concessum enim erat illis Militaris Virtutis ergo quadrato Vexillo (perinde ac Barones) uti, unde & Equites Vexillarii à nonnullis latine vocantur.* That they be next to Barons in Dignity, appears by the *Stat. 14 R. 2. cap. 11.* and *5 R. 2. Stat. 2. cap. 4.* It may be conjectur'd, that they were antiently call'd by Summons to the Court of Parliament. And in *13 R. 2. Stat. 2. cap. 1.* we find that a Banneret, for praying a Pardon for a Murderer, is subject to all one Punishment with a Baron. *Hen-*

¹ Lib. de Rep. Angl. cap. 18.

² Camb. Brit. Lat. 8^o Edit. p. 105.

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ry VII. made divers Bannerets upon the Cornish Commotion, Anno 1495.

Next come the Knights of the *Bath*, *Milites Balnei, vel de Balneo*; who are an Order of Knights made within the Lifts of the *Bath*, and girded with a Sword in the Ceremony of their Creation. For the Antiquity and Ceremony whereof, *vid.* Dugdale's *Description of Worcestershire*, fol. 531, 532. They are so call'd from bathing the night before their Creation: they take place of Knights Batchelors, but come after Baronets.

Now for those Knights simply so call'd, without any other addition: An Order, the lowest at this day, yet of greatest Antiquity and Honour in the first Institution. The Romans, and our Ancestors the old Germans, confer'd not this Order upon any under Sixteen Years of Age: And this *Tacitus (de Moribus Germanorum)* teacheth us. Now seeing these Military Young-men were call'd by the old Germans in their Language *Knechts* (Men arm'd with Spear and Lance, the Ensigns of their Knighthood) as they are in ours; *Cambden* is of opinion, that the Original both of the Name and Institution is to be deriv'd from thence. In the time of the Saxons,
Knights

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Knights were sometimes made by Bishops, Abbots, and sometimes by Priests; the Manner whereof is in these words describ'd to us by *Ingulphus*, who liv'd in those days, whom *Cambden*¹ quotes; viz. *Qui Militia legitima consecrandus esset, vespere pracedente, ad Episcopum, Abbatem, Monachum, vel Sacerdotem contritus de peccatis confessionem faceret, & absolutus orationibus deditus in Ecclesiâ pernoctaret in crastinum Rem Sacram auditurus, Gladium super Altare offerret, & post Evangelium Sacerdos benedictum Gladium Militis collo cum benedictione imponderet, & communicatus sacris Christi Mysteriis denuò legitimus Miles permaneret.* And thus the Noble *Herewardus*, who gave the Normans so strong a Diversion, was knighted. And even after the Norman Conquest, in the Reign of *William I. William Rufus* his Son was not knighted by his Father, but by *Lanfranck* Archbishop of Canterbury, as *Malmes-*

¹ Camb. Brit. Lat. Edit. 8°. p. 105.

² Who writ the History of the Saxon Kings and Bishops before the Conquest and after it till his own time, and was Chanter and Library-Keeper of the Church in Malmesbury, in Lat. *Maldunense Cœnobium*; a Market and Burgh-Town in Malmesbury-Hundred, in the North-West of Wiltshire, situate on the Western Bank of the River Avon, on the Confines of the County of Gloucester. This Town took its Name and Rise from *Maidulph*, a Learned Irish Scot.

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burienfis and ' *Matthew Paris* inform us. But this Custom (as *Ingulphus* faith) by degrees grew obsolete, from the time that it was ridicul'd and exploded by the *Normans*; and a Synod was held at *Westminster* in 1102, which decreed that Abbots should not create Knights. At present (faith ' *Cambden*) he who is to be knighted, *flexis genibus educto Gladio leniter in humero percutitur, Princepsque his verbis gallicè affatur, Sois Chevalier au nom de Dieu, i. e.* Be thou a Knight in the name of God; & *etiam, Avancez Chevalier, i. e.* Rise up Sir Knight. Formerly Knights were made only out of the Order of Soldiers, no other Profession being taken in. The first Tradesman or Citizen who was knighted amongst us, was Sir *William Wallworth* Lord Mayor of *London*, who was knighted by King *Ri-*

* *A Benediftine Monk belonging to the Monastery of St. Alban, living to the Year 1259. and accounted one of the greatest Men for Learning and Ingenuity in his time, being a considerable Historian. He calls his History Historia Major; which he divided into two Parts: the first begins with the World, and reaches to William the Conqueror; the second begins with the Conquest, and is carry'd on to 1250, which he afterwards continu'd to 1259, in which Year he died. A Monk of the same Monastery continu'd this History to 1272, or 73; that is, to the Death of K. Henry III. Mat. Paris abridg'd his Historia Major; which Abridgment he call'd his Historia Minor; and writ several other Treatises.*

* 8^o Edit. Britan. p. 105.

chard

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Richard III. for his eminent Service in suppressing a Rebellion, by killing the Rebel *Watt Tyler* in *Smithfield* with his own hand. 'Twas some time after before this Honour was confer'd on Serjeants at Law, the first Instance being in the 26th of *Henry VIII.* The Value of a Knight's Fee was about the Conqueror's time no more than 100 s. *per ann.* but in the Reign of *Henry III.* it was raised to 10 l. *per ann.* and towards the latter end of his Reign to 15 l. *Temp. Edward I.* it mounted to 20 l. *per ann.* *Henry VIII.* brought it to 40 l. *per ann.* Those who were possess'd of Estates to the Value above mention'd, being oblig'd to receive the Honour of Knighthood, or to fine upon Refusal; so that the Title was rather a Burden than an Honour. *Skene de Verbor. significat. verb. Milites*, saith, that in the antient Laws of Scotland Freeholders were call'd *Milites*, which may seem to have been a Custom with us. *Bracton* also in divers places saith, that Knights must be in Juries; which turn Freeholders do now serve.

• *Vid. Selden's Titles of Honour, fol. 770.*

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But since the Title, Dignity, and Privilege of a Knight are so great, I must, before I leave it, say something more of Knighthood. It is one of the highest Degrees of Honour, and the Antiquity thereof is deriv'd from the first Original of Martial Discipline, being the first Honour that was ever given to worthy Persons ; not to such only as were courageous and hardy, and had borne Office in the Field, but to such as were found grave in Council, courageous in War, provident in Danger, and able by their Advice to direct or lead an Army against the most perilous Enemy that should offer to invade the State. *Pompey* the Great, after his many and wonderful Victories, having vanquish'd and taken several Kings Prisoners in Battel, and having been divers times General in the Field, triumphing most like an Emperor, did not think himself highly honour'd, till such time as he had receiv'd the Honour of Knighthood ; and therefore when the Censors sat upon the Tribunal-Seat, he desir'd it : Such was the Account of Knighthood in former times, that Emperors, Kings, and great Princes of the World took the same as an Addition of Honour. *Arthur*, King of *Great Britain*, erected his

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his Round Table at *Winchester*, and to honour his Champions and Captains of his Host, dubbed an hundred and forty of them in one day; and under that Title the Christians warred against the Infidels, for Maintenance of the Gospel. The Knights of *Jerusalem* were also honour'd with that Title by *Godfrey of Bulloigne*; and in latter times great Kings and Princes, to garnish their Kingdoms, and to honour their Nobility, could not invent a higher or more excellent Degree of Honour than Knighthood: which had it not been more in estimation and worth than the rest, sure they would never have devis'd it, but found out some other; and had it been inferior to, or less than any other, questionless they would never have accepted it, in ranking themselves in the same Order, as many noble Kings did, *viz.* our *Edward III.* who erected the most antient and honourable Order of the Garter; they of *France* *St. Michael*, they of *Burgundy* the *Golden Fleece*, and they of *Savoy* the *Annunciation*; all with the Name and Title of Knights. No honourable Person will deny, but that Knighthood hath great Excellency, amongst all other Titles of Honour; for otherwise so many great Princes would never have

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taken that Honour in their own Persons, as an Augmentation of their Monarchical Excellencies; as witness *Lewis XI.* who was knighted at his Coronation by *Philip* Duke of *Burgundy*; who if made a Duke, Marquis, &c. it would have detracted from him, all these Titles being in himself.

The Privileges of a Knight were many and great; amongst which, if one under Age had been made a Knight, he was thereby presently freed from the Wardship of his Person, in respect of his readiness to perform Knights Service in his own Person, which before was to be done by his Guardian. And this Privilege was deny'd to all Noblemen; for if any of them, being under Age, had been made a Duke, Earl, Viscount, or Baron, he was notwithstanding under Wardship still: also if a Villain had been made a Knight, he was immediately enfranchised thereby. Moreover, by the antient Laws of the Kingdom, if a Ribald, or one of base Birth, had struck a Knight, he should have lost his Hand: and the antient Laws had such regard to that Degree, that neither Knights nor their eldest Sons were compellable to find Pledges in view of Frank-pledges or Law-days. If an Action
had

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had been brought against a Knight, not naming him Knight, the Action abated, because the word Knight was a Name of Dignity. If an Esquire had been made a Knight, he lost the Name of Esquire; but if a Knight had been made a Duke, Earl, or Baron, he still held and retain'd the Name and Title of Knight during his Life.

It was also ordain'd and enacted in the Statute made at *Carlisle*, 15 *Edward II.* for acknowledgment of Fines to be levied of Lands between Party and Party, (a matter of great importance) that if the Parties appear'd not in Court, then one of the Judges, with a Knight of the Shire, should go to the Parties, and take their Acknowledgments, and certify the same accordingly. And by 24 *Henry VIII.* it is generally prohibited, that no Man under the Degree of a Knight should wear a Collar of S S's.

Baronets come next, who by having granted them the Addition of Sir, to be set before their Names, seem allied to Knighthood; but this (saith *Asbmole*, in his Treatise of the Order of the Garter¹) gives them not the Dignity of Knighthood; nor can they properly

¹ *Octavo Edit.* p. 7.

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be stil'd Knights until they be actually knighted. It is a Dignity or Degree of Honour that hath Precedence before Bannerets, Knights of the *Bath*, and Knights Batchelors; except only such *Bannerets* as are made *sub Vexillis Regiis in aperto Bello, & ipso Rege personaliter presente*. This Order was erected by King *James I.* ann. 1609. with an *habendum sibi & heredibus masculis*: the ground for erecting whereof, take in Sir *Richard Baker's* own words; viz. In the Year 1609. the King having care for the Quietness of *Ireland*, had granted to the City of *London* the present Possession and Plantation in the Province of *Ulster*; whereupon afterwards in the Year 1612. they sent thither about three hundred Persons of all sorts of Handycrafts-Men, chiefly to inhabit the two Cities of *Londonderry* and *Colerain*, where they ordain'd Alderman *Cockain* for the first Governour. And for their advancing of this or the like Plantation in *Ireland*, King *James* about this time began a new Order of Knights, which are call'd Barons

¹ In his *Chronicle of Kings of England*, Fol. p. 416. ninth and last Edition.

younger Sons ; and he appointed certain Laws to make those capable that should be admitted : First, that they should maintain each of them the number of thirty Foot-Soldiers in *Ireland* for three Years, after the rate of 8 *d. per diem* (so that their Foundation was partly martial) and to pay the Wages of one whole Year, upon the passing of their Patent ; then, that they should be Gentlemen of Blood of three Descents ; and lastly, should have Land of Inheritance in possession, or immediate Reversion to the Value of 1000 *l. per ann.* And to keep the Order from swarming, he stinted it within the number of only two hundred, and as the Issue should fail, the Order to cease. But he that will look how well the End of the Institution, and the Laws of it, have been observ'd ; shall perhaps find it to be here, as it was in the Order of *St. Michael* in *France* : into which at first none were admitted but Princes and eminent Persons, but afterwards all sorts of Men without any difference were admitted ; that it came almost to be doubted, whether the Dignity of the Order did more grace the Persons, or the Meanness of the Persons disgrace the Order. And indeed, when the Laws of an Institution

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are not in some measure observ'd, it seems to make a kind of Nullity in the Collation. Thus far Sir *Richard Baker*. So that we may believe that where the word Bar onets is mention'd in our old Statutes and antient Authors, it is mistaken for Bannerets.

Esquires come next, *Armigeri*, in *French Scutiferi*; who were originally such as attending upon Knights in time of War, did carry their Shields: But this Addition hath not of long time had any relation to that Office; but signifieth with us a Gentleman, or one that beareth Arms as a Testimony of his Nobility or Gentility, and is a mere Title of Dignity next to, and below a Knight. They who by Right claim this Title now, are all the younger Sons of Noblemen, the four Esquires of the King's Body, the eldest Sons of all Baronets, Knights of the *Bath*, and Knights Batchelors; those who serve the King in any worshipful Calling, such as are created Esquires by the King with a Collar of S S's of Silver. The chief of some antient Families are likewise Esquires by Prescription, those that bear any superior Office in the Commonwealth, a Justice of Peace whilst in Commission, and utter Barristers. In *Wal-*
singham's

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singham's History of Richard II. we read of one *John Blake*, who being *Juris Apprenticius*, has the Addition of *Scutifer* given him. *Cambden* having spoken of Knights, hath these words of them; *viz. Armigeri nobis Esquires, his proximi sunt qui vel a Clypeis Gentilitiis, qua in Nobilitatis Insignia gestant, vel qui Principibus & Majoribus illis, Nobilibus ab armis erant, Nomen traxerunt; hodie vero quicunque in aliquo Reipublica loco consistunt, vel Principi honestiori Conditione famulantur, hoc titulo quasi suo Jure utuntur.*

*Hotman*², in the sixth Chapter of his Disputations upon the Feods, saith, that those whom the *French* call *Escuires*, were a Military kind of Vassal, having *Jus Scuti*; i. e. they bear a Shield, and in it the Ensigns of their Family, in token of their Gentility or Dignity.

To these may specially be join'd, if not prefer'd, such as proceed Doctors of Divinity,

¹ Brit. Lat. Edit. 8vo. p. 106.

² Francis, born at Paris, Son of Peter Hotman, Counsellor in the Parliament of Paris, was so famous a Lawyer, that he became Cujavius's Rival. He wrote many Books, which were highly approved; and at the time of St. Bartholomew's Massacre, he being a Protestant, was forced to retire to Basil in Germany, where he died in 1591. Aged 65.

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or of other Professions in the Universities, For Doctorship is a Title of Dignity more noble than they who are Gentlemen, but by their Stock only: to whom also, according to our Custom, so much Preeminence is given in the King's Commissions concerning the publick Affairs, as that they may well seem in Dignity to be compar'd with Knights. In the King's House also the Apparitors, commonly call'd Serjeants at Arms, Heralds, and all serving in the King's Court, whom for the Preeminence of their Offices we also call Serjeants, are made Esquires with Chains, *viz.* with a Collar made of Silver and black S'S put about their Necks by the Kings themselves.

Those whom the *French* simply call *Gentilzhommes*, and we in *English* Gentlemen, are with us distinguish'd into three Classes, *viz.*

1. He who deriveth his Stock with Arms from his Ancestors, is by Blood a Gentleman.

2. He who beareth Arms only, altho he be not yet by Stock a Gentleman, is nevertheless call'd a Gentleman, and giveth Gentility to his Sons.

3. He who is of reputation only for his Learning, or for some Office or Function which he beareth, is for himself only in com-
mon

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mon Estimation accounted a Gentleman, tho he had a common Person to his Father, and leave his Sons common Persons also.

Now, according to my Promise, I shall give a more particular account of the Court of Chivalry, for the deciding of Suits concerning Honours (as I said once before) and for the preserving to every Man the Right and Privilege of his Fame and Dignity, The Natural or Tribunal Seat or Court for the Nobility, is every where call'd *Militaris*, i. e. the Martial or Military Court, and commonly call'd the Court of Chivalry. The Judges are the Lord High Constable of *England*, and the Earl-Marshall of *England*; which last sits not here only as a Judge, but sees also Execution done. The Form of this Court with us is this, *viz.* The appointed Place for the holding thereof, is the King's Hall; wherein before the aforesaid Judges, the Plaintiff either in case of Dignity or Arms, or of any other Suit of Controversy concerning Nobility and Honour, may sue the Defendant. But for the Form wherein the Constable of *England* us'd to call the Nobility and Gentry to his Court or Judgment-Seat, I refer the Reader to larger Tracts of this nature.

The

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have pass'd over. But, lest I writing of so many Degrees of our Noblemen, and so great things concerning Political Nobility, might seem (in leaving them to speak for themselves) to have acted unadvisedly and partially, I thought it good briefly and by the way to note these few things concerning Heralds.

Herald, Heralt, or Harold, in *Italian. Herald*, in *French Herault*, *quasi Heres altus*, and by *Verstegan* deriv'd from two *Dutch* words, viz. *Heer, Exercitus*, and *Healt, Pugil*, Magnanimous; as if he should be call'd the Champion of the Army. With us it signifies an Officer at Arms, whose business is to denounce War, proclaim Peace, or otherwise be employ'd by the King in martial Messages or other Business. Formerly Persons digni-

¹ Richard, a great English Antiquary, and a celebrated Critick in the Saxon and Gothick Languages, was born at St. Catharine's near the Tower of London, in the sixteenth Century. Altho his Father was but a Cooper, he was extract'd from an antient and honourable Family in Guelderland. He had his Education at Oxford, which he left without a Degree, upon the score of his being a Roman Catholick. He quitted the Kingdom, and settled at Antwerp in the Spanish Netherlands. When the Jesuits and Secular Priests fell out in England, and drew their Pens upon each other, Verstegan went into the Jesuits Interest. He died about 1625. His Works are, *Restitution of decay'd Intelligence in Antiquities*, concerning the most noble and renown'd English Nation; *The sundry successive Regal Governments of England, &c.*

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fy'd in Church or State were chosen for Heralds, who were sacred amongst all Nations. They were call'd plurally by the *Grecians* *Κήγνες*, and *Prætones* or *Caduceatores* by the *Latins*, because of the Rod or *Caduceus* they had, for a Token of their Employment. Amongst the Pagans, they were consecrated to *Mercury*, and reputed his Priests: the Victim's Tongue was their Fee. The *Romans* call'd them *Factales*: and it was not lawful to make war, until four of them had demanded Satisfaction for the Injury receiv'd, and declar'd war upon the refusal; throwing into the Enemies Country a tagg'd Spear dyed in Blood, and burnt at the end. ¹ *Nonius Marcellus* saith, that they were 120, and that King *Numa* establish'd a College of them under a Commander named *Pater Patratus*. *Titus* ² *Livy* mentions the Ceremony us'd at the Creation of that Commander: and of the Heralds he saith, that they touch'd their Head and Hair with Vervain; with which

¹ *An Eminent Grammarian and Peripatetick Philosopher of Tybur: he wrote a Treatise de Proprietate Sermonum, consisting of nine Chapters, and printed at Paris in 1614. with Mercier's Notes upon it.*

² Lib. 3. cap. 12.

³ Lib. 1.

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they were also crown'd, when they perform'd their Office, that they might be known. *Servius* adds, that they wore Linen Cloths. *Polydore Virgil* thus describes them: *Habent insuper Apparitores Ministros, quos Heraldos dicant, quorum Praefectus Armorum Rex vocatur; hi Belli & Pacis Nuncii Ducibus Comitibusque à Rege factis Insignia aptant, ac eorum Funera curant.* Nay more, they are the Judges and Examiners of Gentlemens Arms, marshal all the Solemnities of the Coronations of Princes, manage Combats, and such-like. There is one and the same use of them with us and the *French*, whence we have their Name: and what their Office is with them, see *St. Lupus*⁴. There are thirty Heralds at Arms in *France*, whereof the first is call'd King of Arms, under the Title of *Montjoye St. Dennis*:

¹ Of *Urbino* in *Italy*, liv'd in the fifteenth and sixteenth Ages: he publish'd in 1499 a *Piece de Inventoribus Rerum*, in eight Books. Going afterwards into *England*, in order to receive the *Peter-Pence*, he acquir'd the Prince's Favour, and was made *Archdeacon of Wells*. In 1526, he printed at *London* his *Treatise of Prodigies*, and afterwards compleated the *English History* in 26 Books, which is not very exact. He died about 1555.

² Lib. 19.

³ Bishop of *Troyes* in *Champagne* in *France* in the fifth Century, who wrote de *Solemnitatibus*, &c. Obiit July 2. 479.

⁴ Lib. 1. de Magist. Franc. Cap. *Heraldi*.

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the others have Titles taken from the different Provinces of the Kingdom, &c. As for the Name of King given to the chief Herald, it was common to other chief Officers; as King of the Archers, &c. But there is a particular Reason for the Title of King at Arms, viz. That on the Day of his Institution, they put a Crown upon his head, which he wore in many Ceremonies, where he represented the King's Person: for which reason, he was always a Knight. Amongst the Romans, he who presided at Sacrifices and Ceremonies, was also nam'd King. Antiently there were only two Heralds in England, one for the South part, call'd *Clarencieux*; and the other for the North, call'd *Norroy*. There were also two for that part of France which was subject to England, viz. *Guyen* instituted by Edward I. and *Agincourt* by Henry V. in memory of the famous Victory obtain'd there. There was another for Ireland, call'd *Ireland*, but by Edward VI. call'd *Ulster*. All which belong'd to the King: Those which appertain'd to the Queen were call'd Heralds simply, who are now quite abolish'd; their whole number being reduc'd to three Kings, and six Heralds or Dukes at Arms. *Richard*

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Richard III. was the first who form'd the *Heralds* into a College, and endow'd them with Privileges ; and *Edward VI.* declar'd them free from all Subsidy, Taxes, and other Offices. *Philip* and *Mary* gave them greater Privileges, confirming the same by Letters Patents ; wherein the Titles and Order of the *Heralds* are thus publish'd, *viz.*

1. *Gar*ter, Principal King at Arms.
2. *Clarencieux*, King at Arms by *South Trent*.
3. *Norroy*, King at Arms by *North-Trent*.

1. *Gar*ter was instituted by *Henry V.* whose Office principally respected the Ceremonies and Solemnities relating to the most Noble Order of the *Gar*ter, the marshalling the Funerals of the Knights of the *Gar*ter, and of the greater Nobility ; as Princes, Dukes, Marquisses, Earls, Vicounts, and Barons. We read also in *Plowden's* Reports, that *Edward IV.* granted the Office of King of *Heralds* to one *Gar*ter, *cum feudis & proficiis ab antiquo,* &c.

2. *Clarencieux*, *Clarencius*, is next, instituted by *Edward IV.* who attaining the Dukedom

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of *Clarence* by the Death of his Brother *George*, whom he beheaded for aspiring to the Crown, made the Herald, which properly belong'd to the Duke of *Clarence*, a King at Arms; and call'd him *Clarencius*. His Office is to regulate all such solemn Funerals of the lesser Nobility, as happen on the South side of *Trent*.

3. *Norroy*, or *North-Roy*, is the third and last; whose Office is the same on the North side of *Trent*, that *Clarencieux* hath on this side: as may well appear by his Name, signifying the Northern King, or King of the North Parts. But his Original is uncertain.

Besides these, there be also six others properly call'd Heralds, according to their Original; being created to attend Dukes, &c. in martial Expeditions: *viz*

1. *York*,
and
2. *Lancaster*; } Instituted by the Sons of
Henry III.

3. *Windsor*,
and
4. *Chester*; } Instituted by *Henry III.*

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5. *Somerset,* } By Henry VIII.
and }
6. *Richmond;* } Whose Original is not known.

Lastly, There be four others call'd Marshals, or Pursuivants at Arms, reckon'd after a sort amongst the Number of Heralds; and do commonly succeed in the place of the Heralds, when they die or be prefer'd: and are, *viz.*

1. *Blue-Mantle,*
2. *Rouge-Cross,*
3. *Rouge-Dragon,*
4. *Portcullis.*

The Offices of all which Heralds and Pursuivants, besides their assisting at great Solemnities with the Kings at Arms, are to proclaim War or Peace, carry Defiances, summon Forts or Rebels, proclaim Traitors, and to serve the Nobility and Gentry in point of Honour and Arms. In *Scotland* the chief Herald is *Lyon* King at Arms, under whom are several other Heralds, Messengers, Pursuivants, &c. The *Feciales* amongst the *Romans* were Priests.

Name

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Nam Numa Pompilius divini Cultus Institutionem in octo partes divisit, & ita etiam Sacerdotum octo Ordines constituit, &c. Septimam partem sacra Constitutiones Collegio eorum adiecit, qui Feciales vocantur. Erant autem ex optimis domibus, Viri electi, &c. quorum partes in eo versabantur, ut fidei publica inter populos praeessent, neque justum aliquod Bellum fore censebatur, nisi id per Feciales esset indictum. Kings at Arms are mention'd in Stat. 13 & 14 Car. 2. cap. 33. (Vid. Cowell.)

And these only are the King's Heralds with us, so call'd because they receive Wages of the Kings, and with publick Service serve all the Nobility of the Kingdom.

However, Noblemen and Peers of this Land in antient time had their Heralds peculiar to themselves: For *Chester* the Herald, and *Falco* the Pursuivant, liv'd at the Command of the Prince of *Wales*, and serv'd him. *Humphry* Duke of *Glocester* and Earl of *Pembroke* had the Herald *Pembroke* his household Servant. *Richard* also Duke of *Glocester* having now obtain'd the Kingdom, would needs have his Herald *Glocester* to be call'd King at Arms for all *Wales*. *Charles Brandon*, Duke of *Suffolk*, retain'd *Suffolk* Herald, and *Marleon* the

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Pursuivant, his Servants, &c. These I thought good, out of many others, to rehearse, who serv'd Noblemen in their peculiar and domestical Services. But as the Condition of the Servant is made better by the Dignity of his Lord and Master; so these forenam'd Heralds liv'd not with like Authority or Privileges with the Kings.

And thus I briefly touch all things, for the beautifying and setting forth Political Nobility. Now after all (with the Heralds leave) let me join hereto and insert some few things concerning Arms, whereby Noblemen are wont to be known from the Vulgar Sort, and to be amongst themselves by Families divided; which formerly were more sparingly bestow'd than in this our Age, and only upon such as had by their good Services deserv'd them.

But such kind of Arms seem not to have taken their beginning but of such military Rewards as were usually given to well-deserving Men, in the *Roman* Commonwealth: for the *Romans* always strove chiefly to obtain Honour and Glory, for the nourishing and maintaining whereof, they with Ornaments and Rewards labour'd to excite Mens
Minds

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Minds to the Performance of noble Actions both at home and abroad. In Wars flourish'd Military Gifts, Trophies, Triumphal Arches, Letters Laureat, &c. In time of Peace at home were shew'd Honourable Titles, Images, Statues, and such-like : Things indeed wisely at first devis'd, which afterwards, together with the Empire, so increas'd, that how many and what manner of Crowns, Bracelets, Chains and Crests every Man had merited ; what sorts of Trappings, Spears, Darts, or Belts, they had obtain'd ; these they were wont in their Expeditions in the Wars to bear in their Targets and Bucklers, or set upon their Helmets ; and again returning home, in time of Peace hung them up in their Houses : and those Ornaments they by the name of Arms, by a long Order of Succession, deliver'd over to their Posterity. From whence those Arms of Families, here and there dispersedly us'd by the Nobility in divers Kingdoms, were of the *Germans* call'd *Weapen*, in our Language Arms, and in *Latin Arma* ; because Enemies were with them repuls'd.

These things the antient *Roman* Coins, and credible antient *Roman* Writers declare ; the

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Use whereof so at length prevail'd in Kingdoms, that as Names distinguish'd Men from Men ; even so Arms divided Nations from Nations, and Families from Families : first granted by Kings themselves, but afterwards by the Heralds, (Kings at Arms) by a Royal transmissive Power, given to them, who every where serv'd the Political Nobility ; to whom I willingly leave these things. And therefore the Name and Office of the Heralds were every where notable, and well becoming an honest Man ; who antiently were call'd the Fosterers of Political Nobility, the Arbiters of Equity, the Protectors of Verity, the Embassadors of Princes, and the Writers of Mens noble Acts.

Having shewn the Orders and Degrees of both our Sorts of Nobility, nam'd and unnam'd ; I shall now present the Reader with a View of the Ranks they are amongst themselves divided into, and what Honour they owe one another, by a certain Right of Prudence ; as will appear by the following Order, extracted out of a Curious MSS.

The

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The King.

The King's Son, stil'd Prince of *Wales*.

The King's Brother.

The King's Uncle.

The King's Nephew.

The King's Brother's Sons.

The King's Sister's Sons.

This is the Extent of the Blood Royal.

Archbishop of *Canterbury*.

Lord Chancellor.

Lord Keeper.

[Both these being but one Office, as it is declar'd by *Stat. 5 Eliz. cap. 18.* and there being but one Great Seal at this day, there cannot be both a Lord Chancellor and a Lord Keeper of the Great Seal at one time. *Co. Inst. 4. pag. 88.*]

Archbishop of *York*.

Lord High Treasurer.

Lord President of the King's Council.

Lord Privy-Seal.

Who take place above all Dukes, except the Royal Family: *Rot. Parl. 31 H. 8.*

*

M 4

Dukes

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Dukes descended of the Royal Blood.

Dukes.

Dukes eldest Sons of the Royal Blood,
Marquisses.

Dukes eldest Sons,

Earls.

Marquisses eldest Sons.

Dukes younger Sons.

Earls eldest Sons of the Royal Blood.

Vicounts.

Marquisses younger Sons.

Bishop of *London*, as Bishop of the Capital
City of *England*, and Prov. Dean of *Ganterb.*

Bishop of *Durham*, as Count Palatine, and
Earl of *Sedberg*.

Bishop of *Winchester*, as formerly Earl of
Southampton.

All other Bishops, according to the Prio-
rity of Consecration.

Earls eldest Sons.

Barons.

Vicounts eldest Sons.

Earls younger Sons.

Barons eldest Sons.

Knights of the Garter,

Knights of the Privy Council,

} Being no o-
therwise dig-
nify'd,

Chan-

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Chancellor of the Garter, } By an Order of
K. Charles.

Master of the Court of Wards.

Chancellor of the Exchequer.

Chancellor of the Dutchy.

Chief Justice of the Common-Pleas. *King's Bench*

Master of the Rolls.

Chief Justice of the King's-Bench. *Common Pleas*

Chief Baron of the Exchequer.

Judges of the Coife.

Vicounts younger Sons, } By a Decree of

Barons younger Sons, } K. James.

Bannerets, } Made by the King or Prince,

Baronets.

Bannerets, } Made by the King's Lieutenant.

Knights that have been Embassadors, Pre-
sidents, Deputy Vice-Admirals, &c,

Knights of the Bath.

Knights Batchelors.

Esquires of the Body.

Eldest Sons of Knights of the Garter.

Eldest Sons of Knights of the Privy Coun-
cil.

Eldest Sons of Ban- } Made by the King or
nerets, } Prince.

Eldest Sons of Baronets.

Eldest

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Eldest Sons of Bannerets, made by the King's Lieutenant.

Eldest Sons of Knights Batchelors.

Esquires, according to their several Degrees.

Gentlemen, according to the Antiquity of their Families ; being no otherwise dignify'd.

These that follow, take place above all of their own Degree ; viz.

Lord Great Chamberlain of *England*.

Lord High Constable of *England*.

Earl Marshal of *England*.

Lord High Admiral of *England*.

Lord Steward of the King's House.

**Lord Chamberlain of } *Rot. Parl.* 31 *H.* 8.
the King's House,**

These also were thus plac'd in Procession to Parliament in 1640, and are as follow : viz.

Clerks of the Council.

Masters of the Chancery.

The King's Puisne Serjeant at Law.

The King's Attorney.

The King's Solicitor.

The King's two antient Serjeants at Law.

Masters

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Masters of the Requests.

Barons of the Exchequer:

Iustices of the Common-Pleas.

 Princeps Niger, Filius Eduardi Tertii,
primus Dux Anglia, creatus Dux de Cornwall.

*Reges enim Normannici noluerunt tam citò
creare Duces, quoniam ipsi Duces tantum fuere.*

*Robertus Vere primus Marchio Anglia, creatus
Marchio de Dublin per Ricardum Secundum, (ut
supradixi in Marchione.)*

*Johannes Beauchamp, Baro de Kedderninster,
ita creatus per Ricardum Secundum, primus Baro
per Pat.*

As I have shewn the Order of Precedence
of the Male Nobility, now for that of Great
Ladies and others.

A Queen.

A King's Mother.

A King's Daughter unmarried:

A King's Sister.

A King's Aunt.

A Dutches.

A Marchioness.

A Duke's Daughter unmarried, or marry'd
under the Degree of a Baron.

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A Countess.

A Marquiss's eldest Son's Wife.

Marquisses Daughters unmarried, or married under the Degree of a Baron.

Dukes younger Sons Wives.

Vicountesses.

Earls eldest Sons Wives.

Earls Daughters unmarried, or married under the Degree of a Baron.

Marquisses younger Sons Wives.

Baronesses.

Vicounts eldest Sons Wives.

Vicounts Daughters unmarried, or married under the Degree of a Baron.

Earls younger Sons Wives.

Barons eldest Sons Wives.

Barons Daughters unmarried, or married under the Degree of a Baron.

Knights of the Garter's Wives.

Knights of the Privy Council's Wives.

Vicounts younger Sons Wives.

Barons younger Sons Wives.

Bannerets Wives, their Husbands being made by the King or Prince,

Baronets Wives.

Bannerets Wives, their Husbands being made by the King's Lieutenant,

Knights

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Knights of the Bath's Wives.

A Queen's chief Gentlewoman.

Maids of Honour.

Esquires for the Body their Wives.

Knights of the Garter's eldest Sons Wives.

Knights of the Privy Council's eldest Sons Wives.

Bannerets eldest Sons Wives, their Fathers made by the King or Prince.

Baronets eldest Sons Wives.

Bannerets eldest Sons Wives, their Fathers made by the King's Lieutenant.

Knights of the Bath's eldest Sons Wives.

Knights eldest Sons Wives.

Knights Daughters unmarried; but if married under their Degree, then they are to take place according to the Degree of their Husbands.

Esquires Wives according to their several Degrees.

At a Chapter holden by the Officers of Arms at the Imbroiderers Hall in London, 4 Eliz. it was order'd, viz.

That no Inheretrix, whether Maid or Wife, should bear, or cause to be borne, any Crest
or

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or Cognizance of her Ancestors, otherwise than followeth.

If she be a Maid, then to bear in her Ring the Crest, Cognizance, or first Coat of her Ancestors in a Lozenge.

. If a Widow, to impale the first Coat of her Husband with the first Coat of her Ancestors upon a Lozenge.

If she marry one that is no Gentleman, then to be clearly exempt from the former Conclusions.

How to place Strangers.

If any foreign King or Prince send to our Sovereign any Messenger ;

If he be a Knight, receive him as a Baron.

If he be an Esquire, receive him as a Knight.

If he be a Gentleman, receive him as an Esquire.

If he be a Groom, receive him as a Yeoman.

Officers appertaining to Noblemen, according to their several Degrees.

A Duke hath

A Treasurer.

A Chamberlain.

Four

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Four Gentlemen-Ushers.

A Steward.

A Comptroller.

A Master of his Horse.

An Earl hath

A Secretary.

A Comptroller.

A Steward.

Two Gentlemen-Ushers.

A Gentleman of the Horse.

A Baron hath

A Steward.

A Clerk of his Kitchen.

A Yeoman of his Horse.

A Gentleman-Usher, not uncover'd when
he goes abroad.

A Yeoman-Usher.

A Groom of his Chamber.

A Yeoman-Usher of his Hall, and his
Groom, and not Marshal.

A Sewer arm'd.

A Carver, but unarm'd.

A Footman.

His Cup cover'd, but not Affay taken.

His Foot Carpet fingle.

How

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*How the Sword shall be borne before the King and
several of the Nobility.*

A King's Sword shall be borne before him in the middle of the Breast, against the Sword-bearer's Head.

A Duke's Sword shall be borne against the right Shoulder, *i. e.* betwixt the Neck and the Shoulder-bone.

An Earl's Sword shall be borne betwixt the Shoulder-bone and the Elbow.

A Baron's Sword shall be borne, bowing of the Elbow against the Joint.

A Bishop of *Rome* in his Solemnity.

An Emperor in his Majesty.

A King in his Royalty.

A Duke in his Estate.

A Duke's eldest Son and Heir, descended of the Royal Blood, shall have place before a Marquis; if not of the Royal Blood, then he shall have place above and before an Earl.

An Earl's eldest Son, descended of the Royal Blood, shall go before a Viscount; if not of the Royal Blood, shall then precede a Baron.

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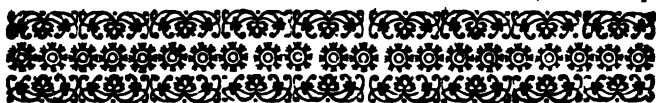
The Number of Mourners according to the Degree of the Defunct.

| | | | | |
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| An Emperor | ————— | ————— | ————— | 17 |
| A King | ————— | ————— | ————— | 15 |
| A Queen or Prince | ————— | ————— | ————— | 13 |
| A Duke | ————— | ————— | ————— | 13 |
| A Marquiss | ————— | ————— | ————— | 11 |
| An Earl | ————— | ————— | ————— | 9 |
| A Baron | ————— | ————— | ————— | 7 |
| A Knight | ————— | ————— | ————— | 5 |
| An Esquire | ————— | ————— | ————— | 3 |
| A Gentleman | ————— | ————— | ————— | 1 |

How many Chaplains the Nobility in their several Degrees may keep.

| | | |
|--|----------|---|
| Every Archbishop and Duke | —— | 6 |
| Every Marquiss and Earl | —— — | 5 |
| Every Viscount and other Bishop | —— | 4 |
| The Chancellor of <i>England</i> , every Baron, and Knight of the Garter | —— — } 3 | |
| Every Dutcheſs, Marchionefs, Counteſs, and Baroneſs, being Widows | —— — } 2 | |





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